

PROPOSED IMMINGHAM EASTERN RO-RO TERMINAL

PINS REFERENCE TR030007

RESPONSE TO STATUTORY CONSULTATION FROM DFDS SEAWAYS UK PLC

1. This is a formal response from DFDS Seaways UK PLC (DFDS) to the statutory consultation on the Immingham Eastern Ro-Ro Terminal (IERRT) DCO application proposed by ABP. The DFDS group of companies is the largest user of the Port of Immingham, employing several hundred staff.
2. DFDS is very concerned about the impact this project will have on its operations in several respects. As presented in the Preliminary Environmental Information Report (PEIR) and consultation documents, there is little or no mitigation proposed to address these impacts, and so as it stands, DFDS is strongly opposed to the project.

Business relocation

3. The PEIR does not mention this but to make way for the extensive trailer parks proposed to handle the IERRT within the port some existing port businesses are proposed to be relocated outside the port. One of these is Drury's Engineering and Port Equipment Ltd (Drury's), access to which DFDS depends upon multiple times a day for its smooth operation. It is understood that Drury's is to be relocated outside the East Gate, which means that the internal port vehicles DFDS currently use to travel to and from Drury's will no longer be able to be used. Instead, DFDS will need the services of an HGV driver and a tractor unit that can use the public highway.
4. Furthermore, vehicles operating on behalf of DFDS on this longer journey outside the port will come into conflict with the 2,200 or so additional HGVs that are expected to use the East Gate each day (see below) for IERRT. This would have a further unacceptable and serious impact on DFDS (and Drury's) operations.

Marine navigation

5. The introduction of vessel movements at the proposed IERRT will conflict with other existing vessels using the port, including those of DFDS, meaning that vessels are likely to be delayed and require more complex manoeuvres, as the approach areas will overlap. The PEIR only appears to consider effects on vessel safety rather than the effects of congestion on existing schedules.

Traffic and transport

6. DFDS principally uses the West Gate to the port but will increasingly use the East Gate from July 2022 once 3% of goods are required to be checked at the new Border Control Post there.
7. The PEIR predicts that the IERRT development will result in approximately 2,600 additional HGV movements per day. 85% of these are estimated to use the East Gate (2,203) and 15% the West Gate (389). The West Gate is already congested and even an additional 389 HGVs per day will cause additional queueing and delays, which will affect existing users of the port such as DFDS, whose operations are at the west.
8. In fact, DFDS is sceptical that such a split would be achieved, since traffic arriving from and going to the west is more likely to want to use the West Gate; and traffic servicing the IERRT

may also service parts of the port further west, including DFDS' facilities. This would make the effect on the West Gate, and hence DFDS' operations, even worse.

9. If somehow HGVs using the IERRT were encouraged or mandated to use the East Gate they are still more likely to leave the A180 at the A160 roundabout and drive through the town of Immingham causing congestion, noise and pollution there, rather than using the A1173 at Stallingborough. Even if HGVs do use the latter route, they will conflict with the new Pioneer Park development, the new Border Control Post and the existing Council Community Recycling Centre. Whatever happens, then, the substantial increase in HGV traffic will cause unacceptable impacts on port users as well as local residents and businesses.
10. If the anticipated number of additional HGVs is to be accommodated, the project must include upgrades to the surrounding road network to handle such a significant increase in HGVs and reduce the impacts on other road and port users to acceptable levels.

Environmental issues

11. The project would be built into the Humber Estuary Ramsar/SAC/SPA site and will therefore almost certainly have an adverse effect on the integrity of the site. Chapter 4 of the PEIR does not adequately demonstrate need for the project, rather setting out predicted demand for ro-ro traffic without examining whether existing capacity could meet it.
12. If the project is to go ahead in a Natura 2000 site, ABP must demonstrate that there are no alternatives to doing so, that there are imperative reasons of overriding public importance that it does so, and that compensatory land is provided. At present, none of these has been demonstrated to a satisfactory degree. In particular there are other installations on the Humber that could accommodate these works with less harm to the Natura 2000 site.
13. The impact on air quality and noise from HGVs travelling on local roads, particularly Queens Road where a 274% increase is predicted, has not adequately been assessed, and although biodiversity net gain is not yet a legal requirement for DCOs, it is still recommended but does not seem to have been addressed.

Conclusion

14. In summary, this project should not go ahead unless and until the significant impacts on DFDS and others at the Port and town of Immingham set out above have been addressed and mitigated. A further statutory consultation exercise should be undertaken on such proposed mitigation before the application is made.

DFDS Seaways UK PLC
February 2022

Immingham Eastern Ro-Ro Terminal **('IERRT')**

Spring Newsletter – April 2022

Scheme Update

The Proposals

This Spring Newsletter outlines and explains certain changes that we have decided to make to our proposed IERRT Development following the close of the formal consultation which took place at the beginning of this year.

As explained in our last Newsletter, approval for the construction and operation of the new facility is given by way of what is known as a Development Consent Order ('DCO'). Unlike an application for planning permission, an application for a DCO is, for a harbour facility, submitted to the Secretary of State for Transport – not the planning authority, in this case North East Lincolnshire Council, although the Council will be playing a key role in the process.

The new facility will be located within the Port of Immingham, on its eastern side and Associated British Ports ('ABP') intends to submit its application later this year.

Updated Proposals

As you will be aware, a statutory consultation explaining ABP's proposals for the IERRT commenced on 19 January. Although the consultation formally closed on 23 February, ABP remains happy to receive any comments and observations about its proposals as the scheme continues to evolve as a result of those responses already received as part of the formal consultation process.

Indeed, the purpose of this Newsletter is to let you know that as a result of the responses and representations that ABP has received to date, together with our commissioned navigation simulation, we have decided to reduce the size and scale of the scheme. This reduction in both size

and scale will lead to a further reduction in the overall environmental impact of the scheme. In addition, it will enable us to better optimise vessel movements and will also, through changes in jetty configuration, assist us operationally by reducing vehicle congestion on the approach jetty. As a consequence, whilst previously we were looking at a four berth scheme, we have now decided to reduce the number of berths to three. In so doing, we have also been able to reduce the footprint of the entire project. The redesigned proposals are as a direct result of the very helpful responses and representations that ABP received during the consultation process from regulators, stakeholders and the general public.

The changes that ABP proposes to make as it continues to work on the application can be summarised as follows -

- A reduction in the number of berths from four to three – removing the berth nearest to the shore from the scheme; and

- A consequent reduction in the size of the required dredged berth pocket;

- The removal of one berth meaning that there will be a reduction in vehicular throughput; which

- Enables ABP to remove the Eastern Trailer Park Area from the scheme.

All of these changes are explained in more detail on ABP's IERRT project website shown below.

EIA Development

So, to recap, the IERRT is what is known as an Environmental Impact Assessment development (or 'EIA development'). ABP is currently preparing an 'Environmental Statement' which will form part of the DCO application and which will identify any potential environmental impacts which may arise in the context of both the construction and operation of the new facility. The EIA will assess all possible environmental impacts and effects ranging from the effect

of a capital dredge on the designated Special Protection Area within the Humber Estuary to traffic, construction noise, vibration and air quality.

The final Environmental Statement will be published, together with a number of other DCO application documents, after the application has been accepted for examination by the Planning Inspectorate.

Getting Involved

Following the submission of our DCO application, members of the public will be able to register to take part in the DCO examination if they so wish. In the meantime, any updates on the IERRT scheme will be posted on ABP's project website: www.abports.co.uk/immroro.

You can also write to us with questions or to find out more about the IERRT scheme by **email**: immroro@abports.co.uk or

by **post**: Associated British Ports, Port of Immingham, Dock Office, Alexandra Road, Immingham Dock, Immingham, North East Lincolnshire, DN40 2LZ (*Quoting Reference: Immingham Eastern Ro-Ro Terminal*).

Timeline for the IERRT

The estimated timeline for the project is shown below.

Summer 2022 - Submission of the DCO application.

Late 2022 - Anticipated start of the DCO examination period, with a decision in **early/mid 2023**.

Mid 2023 - Construction likely to commence.

April 2025 - Anticipated completion of construction.

3D Image of Updated Proposals



This 3D Image shows, although very much only as an indicative representation, the revised IERRT scheme. It may be subject to further changes as the scheme continues to evolve.

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Good afternoon,

Thank you for attending the HAZID workshop for the IERRT development.

Following the workshop we have updated/collated the individual navigational risk assessments based on the discussions and recorded data as attached. We would appreciate any feedback on the updated assessments, whether they are specific comments on individual assessments or general comments.

Please can you provide any comments to us by close of play on **Friday 29 April** to allow us to make any necessary changes.

Kind regards, Tim

Timothy Aldridge | Senior Maritime Consultant | ABPmer_
Quayside Suite | Medina Chambers | Town Quay | Southampton | SO14 2AQ
DD: [REDACTED] | M: [REDACTED]
Email: [REDACTED] | Web: [REDACTED] |
[REDACTED]

In view of the escalation of COVID-19, we would like to assure clients of our business continuity actions during this unprecedented time.

The health and well-being of our staff and clients are of utmost importance.

We are taking a number of actions to reflect this priority while ensuring, as far as possible, minimal disruption to service.

To learn about the actions we are taking, please click [here](#).

Click [here](#) to get our quarterly e-zine newsletter direct to your inbox

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BRIDSON Rebecca

From: Jesper Hartvig Nielsen <[REDACTED]>
Sent: 29 April 2022 13:48
To: 'Timothy Aldridge'
Subject: RE: [EXTERNAL] HAZID Workshop: IERRT Navigation Risk Assessment - Appendices A & B
Attachments: Letter to Timothy Aldridge.pdf

Dear Timothy,

Please see my/our response attached.

Best wishes for the weekend ahead.

Best regards / Med venlig hilsen

Jesper Hartvig Nielsen

From: Timothy Aldridge <[REDACTED]>
Sent: 19. april 2022 17:07
To: Tom Jaynes <[REDACTED]>; Mark Collier <[REDACTED]>; Edward Rogers <[REDACTED]>; Andrew Firman <[REDACTED]>; Ian Cousins <[REDACTED]>; Neal Keena <[REDACTED]>; [REDACTED]; Roy Kersey <[REDACTED]>; Jesper Hartvig Nielsen <[REDACTED]>; [REDACTED]; [REDACTED]
Cc: Adam Fitzpatrick <[REDACTED]>; Oliver Peat <[REDACTED]>
Subject: [EXTERNAL] HAZID Workshop: IERRT Navigation Risk Assessment - Appendices A & B

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Please can you provide any comments to us by close of play on **Friday 29 April** to allow us to make any necessary changes.

Kind regards, Tim

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Proposed Immingham Eastern Ro-Ro Terminal (the IERRT development)

Dear Tim

Thank you for inviting DFDS to attend the HAZID workshop on 8 April 2022.

We have reviewed the revised navigational risk assessment (NRA) which was sent to us for comments on 9 April 2022. We have carefully considered the revised NRA and do not think it is fit for purpose. We consider that the assessment is too subjective in that it fails to acknowledge the true extent of risk the new terminal poses whilst simultaneously serving to downplay the magnitude of the risks it does identify.

Most importantly, it is unclear which design of the scheme the revised NRA purports to assess. The NRA needs to be based on the current design. Can ABP please clarify which design the revised NRA assesses? We only became aware of the most recent design changes, including the reduction from four berths to three berths at the HAZID workshop. This did not allow enough time for us and presumably other stakeholders to properly consider these proposed changes ahead of the HAZID workshop, and it is likely that the revised NRA is still based on the previous design.

In the light of that we consider it would be premature to provide detailed comments on the revised NRA until an assessment of the correct jetty and berth design has been undertaken and the marine simulations are completed and fully available, but in general we have found it:

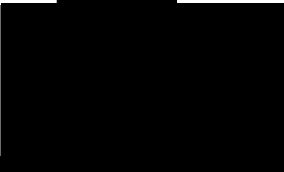
- contains several inconsistencies,
- is over-optimistic as to timescales,
- is subjective in its assessment as a whole and lacking any clear independent analysis,
- is subjective as to the choice of true 'worst-case scenarios',
- lacks reasoning for its conclusions, and
- introduces new mitigation, the effectiveness of which cannot be ascertained.

In terms of the HAZID workshop held on 8 April, we were surprised to note there were few attendees from other stakeholders of the Port who would be significantly affected by the project. Can ABP please confirm which other stakeholders were invited to attend this workshop?

At the HAZID workshop, our representatives and representatives from other third parties requested to see the simulation exercise which we understand ABP has undertaken to support the NRA. ABP informed the attendees that the simulation was not ready to be shared with stakeholders. Can ABP please confirm if that simulation is now ready and indicate when it will be available? DFDS requests an opportunity to provide further comments to ABP once it has seen the results of the simulation exercise.

In light of the substantive changes to the scheme's design and the limited time available to stakeholders to consider these changes ahead of the HAZID workshop on 8 April, DFDS request that the HAZID process is undertaken again, based on the latest design and is accompanied by the results of the simulation exercise. We have already commented that the material provided at the statutory consultation was inadequate; the changes to the project and lack of clarity as to what is being modelled only add to this concern.

Yours sincerely,



Jesper Hartvig Nielsen

Head of ferry operations,

Equipment Center & Terminal Excellence

Fleet management

DFDS A/S

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Good evening,

Firstly, apologies for the hour of this email. In ordinary circumstances, as a courtesy, I would not normally send a meeting request out late on a Friday afternoon/evening. However due to time sensitivities it is better to send this now rather than waiting until Monday.

Following the HAZID Workshop held on the 7th April and the subsequent drafting of the HAZID tables and Navigational Risk Assessment (NRA), there have been changes to the planned development of the scheme. ABPmer has determined that the changes are sufficient enough so as to require a revisit of the HAZID workshop. This is to ensure that the NRA and associated Environmental Statement chapter for the Immingham Eastern RoRo Terminal (IERRT) project are appropriately informed.

Put simply, the change to development will see an overlap of construction and operation occur at the terminal. That is, it is ABP's intent is to construct the outer pier of the IERRT, allow operations to and from the terminal from this pier to commence, before then constructing the inner pier.

As stated, it is ABPmer's assessment that this change adds a third phase to the development of the scheme, namely the; Construction and Operation phase.

Therefore, a **HAZID workshop** will be held at the **Port of Immingham** (Immingham Seafarers mission (Western Access Road, Immingham, England, DN40 2NN)) on the **7th and 8th of June**. The intended schedule for the meeting is attached but is not yet finalised. I will update you all in due course with any changes to the schedule and any pre-considerations/actions that are required to facilitate a timely and thorough navigation risk assessment.

I will now commence in drafting the risk templates for the Construction and Operation phase. In your RSVPs to this email please feel free to include any risks that are apparent to you for this new phase and I will ensure that they are represented (and collated if appropriate). My intent is to publish this risk template to you prior to the workshop so that you are able to attend with a considered mindset. This in turn will make the most of the time we have available and will facilitate greater consideration and efficacy for the NRA.

Lunch will be provided at the workshop. Please let me know if there are any dietary requirements.

If there are any additional stakeholders required from your respective areas please let me know this too.

I look forward to seeing you all again.

Kind regards, Tim

Timothy Aldridge | Senior Maritime Consultant | ABPmer_

Quayside Suite | Medina Chambers | Town Quay | Southampton | SO14 2AQ

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BRIDSON Rebecca

From: Jesper Hartvig Nielsen <[REDACTED]>
Sent: 25 May 2022 07:13
To: 'Timothy Aldridge'
Subject: RE: [EXTERNAL] Follow up HAZID Workshop: IERRT Navigation Risk Assessment
Attachments: Letter to ABP 25-05-2022.pdf

Dear Timothy,

Please see my response in attached letter.

For sake of good order kindly confirm safe receipt from your side.

Best regards / Med venlig hilsen

Jesper Hartvig Nielsen

From: Timothy Aldridge <[REDACTED]>
Sent: 20. maj 2022 18:27
To: Tom Jeynes <[REDACTED]>; Mark Collier <[REDACTED]>; Edward Rogers <[REDACTED]>; Andrew Firman <[REDACTED]>; Ian Cousins <[REDACTED]>; Neal Keena <[REDACTED]>; Roy Kersey <[REDACTED]>; Jesper Hartvig Nielsen <[REDACTED]>;
Cc: Montgomery Smedley <[REDACTED]>; Oliver Peat <[REDACTED]>; Harry Aitchison <[REDACTED]>
Subject: [EXTERNAL] Follow up HAZID Workshop: IERRT Navigation Risk Assessment

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My intent is to publish this risk template to you prior to the workshop so that you are able to attend with a considered mindset. This in turn will make the most of the time we have available and will facilitate greater consideration and efficacy for the NRA.

Lunch will be provided at the workshop. Please let me know if there are any dietary requirements.

If there are any additional stakeholders required from your respective areas please let me know this too. I look forward to seeing you all again.

Kind regards, Tim

Timothy Aldridge | Senior Maritime Consultant | ABPmer
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25th of May 2022

Timothy Aldridge
Senior Maritime Consultant
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Proposed Immingham Eastern Ro-Ro Terminal (the IERRT development)

Dear Tim

Thank you for email on Friday 20 May inviting DFDS to attend another HAZID workshop on 7 and 8 June 2022.

In response, I should note for the record that DFDS have considerable concerns about the short notice being given, the confusing information about what the project now consists of and the validity of previous assessments and consultations. It appears that the project is undergoing material amendment on an ad hoc basis and without proper consultation and that ABP is seeking to simply proceed with its timetable irrespective of such material alterations and the need for proper consideration and consultation by all relevant stakeholders.

Two weeks' notice provides insufficient time for those we would wish to attend to make themselves available, and to adequately assess the changes and consider the impact and risks associated with the revised proposals, even if you were to provide updated documentation; this will presumably also be the case for other stakeholders. In view of our concerns over the quality and integrity of ABP's risk assessment process to date, as noted in our letter of 29 April, and the regular changes being made to the project, we are in the process of engaging an expert risk assessment adviser. We will require more than two weeks' notice for them to be fully briefed ahead of the HAZID workshop. Furthermore, can ABP please confirm that the HAZID workshop will be based on the latest design and include all of the updates to the scheme which ABP have announced in April and on 20 May?

The Navigation Risk Assessment (NRA) attached to your email appears to be the same version which was circulated on 9 April and does not appear to include any assessment of the most recent proposed change to overlap of construction and operation of the IERRT at the terminal. This is clearly a material change to the project and introduces a range of potentially new and/or increased risks and impacts. Without such an assessment being provided reasonably in advance of the HAZID workshop we consider it will be pointless.

At both the HAZID workshop on 8 April and in our letter of 29 April we requested to see the simulations ABP have undertaken to support the NRA. ABP have not confirmed that these are ready or invited us to view these. We ask again to see the simulations, in advance of, or at the very least at, the next HAZID workshop to ensure we can provide informed feedback.


It is now even less clear exactly what ABP's current design consists of – no description was provided in your email and as noted in our letter of 29 April there had already been

significant changes to the proposals since the statutory consultation in January and February 2022. Overlapping construction and operation of the IERRT will have significant impacts on both marine and terrestrial transport. Furthermore, we understand there may also be further changes to the design of the terminal, but that information has not yet been released or confirmed by ABP. These represent significant changes to the scheme, to the extent that we consider that it is proper and appropriate for ABP to undertake another round of statutory consultation with updated preliminary environmental information, as it appears the scheme proposed now is substantially different from that consulted on earlier this year.

We note in your email you request that 'If there are any additional stakeholders required from your respective areas, please let me know this too'. ABP, as promoter of this scheme is responsible for ensuring it engages fully with all relevant stakeholders. Having said that, we will give some thought to any other stakeholders which we consider should attend the next HAZID workshop, and we will inform you of such. Can ABP please confirm which other stakeholders have been invited to attend this workshop?

Finally, we asked a number of questions and requests for information in our letter of 29 April 2022 which ABP have not yet respond to. Can you please confirm when we can expect a full response to that letter?

Yours sincerely



Jesper Hartvig Nielsen
Head of ferry operations,
Equipment Center & Terminal Excellence
Fleet management
DFDS A/S

From: Oliver Peat [REDACTED]
Sent: 26 May 2022 09:50
To: Jesper Hartvig Nielsen
Cc: Tom Jeynes; Nicola Robinson; Greenwood, Brian; Timothy Aldridge
Subject: RE: [EXTERNAL] Follow up HAZID Workshop: IERRT Navigation Risk Assessment
Attachments: ABP - Letter to Jesper Hartvig Nielsen.pdf; B2357300-01-20-05 P04.pdf

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Dear Jesper,

By way of introduction I am Oliver Peat, the Project Lead for the IERRT scheme.

I would like to start by thanking you for the recent communication relating to the initial HAZID workshop which was attended by DFDS, please find attached letter in response.

ABP have recently received another letter from yourself relating to our invitation to DFDS to attend a second HAZID workshop, ABP will respond to that correspondence in due course.

ABP will also be issuing meeting notes following our meetings this afternoon with the DFDS Seaways and Logistics entities. The purpose of these meetings is to update both entities on the progress of the scheme and to respond to their comments raised during public consultation.

Regards,

Oliver Peat | Development Project Manager | Associated British Ports

2nd Floor | 25 Bedford Street | WC2E 9ES

Mob: [REDACTED] | www.abports.co.uk



Dear Mr Hartvig Nielsen,

Many thanks for your recent attendance at the HAZID workshop and for your subsequent correspondence. I would like to take the opportunity to address some of the comments raised with regards to your observations following the workshop.

In the first Instance I would like to confirm that the IEERT project is progressing based on a three-berth scheme as per the attached plan and as confirmed in the recent Newsletter issued to DFDS (and all consultees) on 5th April 2022, prior to the HAZID workshop.

With regards to your comments on the NRA process, please can I request that you provide further clarity on your reasoning as to why you believe it is not fit for purpose? The process follows the DfT Guide to Good Practice on Port Marine Operations and has been carried out by an independent consultancy.

Below are responses to the bullet points within your letter:

- Please can you clarify the inconsistencies that you reference?
- Please can you clarify which timescales you believe are over – optimistic? The project team are aware that the overall programme is challenging but are fully committed to adhering to the current master programme.
- The risk analysis process is inevitably subjective in nature – as I am sure you are aware. This is the reason for holding the HAZID workshop to ensure that the specialists that attend can debate and agree the final assessment. This was achieved on the day with all parties agreeing to the proposed analysis (which DFDS attended). ABP Mer are a leading independent specialist consultant with vast experience in the collation of NRA's.
- The worst credible case scenarios were discussed and agreed at the HAZID workshop with, I believe, all parties in agreement. On that basis, I would be grateful if you could clarify your ongoing concerns in this regard.
- It is worth noting that the document issued consists of the conclusions to the HAZID Workshop and were issued for early engagement/comment to the attendees. There is a full NRA document (circa 100 pages), that is currently undergoing final QA approval, that backs up the document you have reviewed. There will also be a full ES chapter that forms part of the DCO application to support the process.
- With regards to possible additional mitigation, ABP Mer are of the opinion that all of the proposed measures are industry standard procedures with proven effectiveness. Examples of the proposed measures include additional pilot training, additional weather limits during construction.

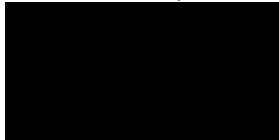
With regards to the attendees at the HAZID workshop the focus was on those customers that berth in the Outer Harbour and the local Statutory Harbour authorities.

Following ongoing discussions with the project team and consultees we have organised a follow up HAZID workshop on 7th & 8th June which DFDS have been invited to attend. ABP Mer will once again be coordinating the sessions and will be sending out supporting documentation for the workshops.

We are also looking forward to updating you on the project and discussing the scheme with you in out meetings with your Seaways and Logistics departments on 26th May.

That said, if you have any further queries or indeed concerns, please do not hesitate to contact me.

Your sincerely



Oliver Peat

ABP Development Manager – IEERT Project Lead



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Good afternoon,

In response to stakeholder comments for which we are extremely grateful, we have decided to postpone the HAZID workshop currently scheduled for the 7/8 June. This delay will enable us to ensure that we can provide you with a comprehensive set of all of the relevant materials and just as importantly, provide you with sufficient time to review those materials before the Workshop takes place. We will write separately with regard to a possible date for the rearranged Workshop but wanted to give you as much advance warning as possible of the cancellation of the currently scheduled Workshop bearing in mind the intervening half term/bank holiday next week. Please accept our apologies for any inconvenience this cancellation may cause.

Kind regards, Tim

Timothy Aldridge | Senior Maritime Consultant | ABPmer_
Quayside Suite | Medina Chambers | Town Quay | Southampton | SO14 2AQ
DD: [REDACTED] | M: [REDACTED]
Email: [REDACTED] | Web: www.abpmer.co.uk |
www.portriskmanagement.com

In view of the escalation of COVID-19, we would like to assure clients of our business continuity actions during this unprecedented time.

The health and well-being of our staff and clients are of utmost importance.

We are taking a number of actions to reflect this priority while ensuring, as far as possible, minimal disruption to service.

To learn about the actions we are taking, please click [here](#).

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BRIDSON Rebecca

From: Jesper Hartvig Nielsen <[REDACTED]>
Sent: 01 June 2022 15:41
To: 'Oliver Peat'
Cc: 'Tom Jeynes'; 'Nicola Robinson'; 'Timothy Aldridge'
Subject: RE: [EXTERNAL] Follow up HAZID Workshop: IERRT Navigation Risk Assessment
Attachments: Letter to ABP 01-06-2022.pdf

Dear Oliver,

Thank you for the mail including attached letter below.

Please find our/my response attached.

Kindly confirm safe receipt.

Best wishes for both bank holidays and the weekend ahead.

Best regards / Med venlig hilsen

Captain
Jesper Hartvig Nielsen
Head of ferry operations,
Equipment Center & Terminal Excellence
Fleet management



DFDS A/S
Marmorvej 18
2100 Copenhagen Ø
Denmark

M: [REDACTED]
T: [REDACTED]

[REDACTED]
www.dfds.com



From: Oliver Peat <[REDACTED]>
Sent: 26. maj 2022 10:50
To: Jesper Hartvig Nielsen <[REDACTED]>
Cc: Tom Jeynes <[REDACTED]>; Nicola Robinson <[REDACTED]>; Greenwood, Brian <[REDACTED]>; Timothy Aldridge <[REDACTED]>
Subject: RE: [EXTERNAL] Follow up HAZID Workshop: IERRT Navigation Risk Assessment



1st of June 2022

Oliver Peat
Development Project Manager
Associated British Ports
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London
United Kingdom

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Proposed Immingham Eastern Ro-Ro Terminal (the IERRT development)

Dear Oliver

Thank you for email of 26 May 2022 and attached letter in response to our letter of 29 April 2022.

We will respond to each of your points in turn.

We consider that the revised Navigational Risk Assessment (NRA), provided to us on 9 April, is not fit for purpose for a number of reasons, as set out below.

You say that the process ABP have followed is in accordance with the DfT's Guide to Good Practice on Port Marine Operations. However, DFDS notes that under the Guide to Good Practice, paragraph 3.3.8 states: '*Organisations are therefore encouraged to advertise that they are undertaking a risk assessment, and to seek ways of securing the widest possible response from those likely to have a meaningful contribution.*' It is clear from the HAZID workshop on 8 April and as subsequently confirmed in your letter that ABP have only engaged with a select few stakeholders on the NRA, namely DFDS, C.Ro, Stena and APT/IOT whilst apparently not engaging with many other stakeholders who operate in this area.

The NRA contains several clear examples of under-reporting of risks, for example in assessment number O4 (Allision/contact), the worst-case scenario is stated to be '*Tanker collision with berthed RoRo whilst on Passage to IOT finger pier. Collision as tanker is passing the berthed RoRo and results in moderate damage to RoRo and tanker causing loss of cargo, serious injuries to crew from impact, tier 3 pollution from vessel damage, major delays to operations at both IOT and IERRT along with major negative publicity. Impact would feasibly occur at slow speed creating moderate damage and delays that would require vessel surveys to be conducted*', in the 'consequence' column for 'people' and 'planet' the rating of '0' is given, which we understand is the lowest rating. This does not seem logical, such an event would no doubt have a fairly high impact on people (seriously injured crew) and the planet (a tier 3 pollution event) in such a scenario. Not only do these numbers seem too low, but it is not explained how they are used to generate the 'current risk' and 'final risk' figures set out in the second table on each page, and we would be grateful for an explanation of this.

Another example is in assessment number O2 (Allision/contact), the worst-case scenario is stated to be *'Tanker manoeuvring off IOT 8 is unable to effectively control the direction of her stern and collides with the IERRT stern on, damaging the jetty and the after part of the ship, incurring a significant impact on RoRo operations'*. However, based on the design of the terminal DFDS has seen to date, it seems more likely in our opinion that in such a scenario any impact would occur down the side of a tanker vessel causing rupture to the cargo tanks, a potential tier 3 pollution event and possibly the loss of the vessel with associated injuries/fatalities. The presentation of the scenario where the vessel allides stern first appears to have been selected to reduce the severity of the risk.

The NRA also contains inconsistencies, for example in the 'embedded control' table for assessment numbers O1- O8 for the control 'Pilotage service/PEC' the 'likelihood reduction' percentage varies from 50% to 20% without clear explanation as to why 20% is applied in assessment number O2 and 50% in the other assessments,

The timescales in the NRA appear to be over-optimistic and unrealistic, for example in assessment number O5 (Allision /contact) the worst-case scenario is stated to be *'RoRo makes heavy contact with one of the piers during berthing leading to hull damage and damage to the pier. Minor injuries, no pollution, RoRo requires survey before proceeding, pier out of service until repairs completed, significant delay to operations.'* In the 'years between worst occurrence' column it states every 10 years, we disagree that this is a realistic timeframe but rather an underestimation, this type of incident occurs realistically every 3-5 years. Another example is in the assessment for O3 (Allision /contact) the hazard scenario is *'RoRo allision with IOT trunk way'* and in the 'years between worst occurrence' column it states every 100 years, which seems to be a very high prediction. Our understanding is that ABP have used the MARNIS database to identify and extrapolate any historical events to assist with this risk assessment, however, the use of such in this scenario would be inappropriate because there is currently no such terminal in such close proximity to the IOT. Furthermore, the claim in your newsletter that construction will start in mid-2023 is highly unlikely given that the average time take for a DCO from application to decision is 17 months and the fastest was 13 months.

The NRA is subjective in its assessment and is lacking any clear independent analysis. Although any assessment contains a degree of subjectivity, a promoter of a Nationally Significant Infrastructure Project is expected to provide a robust and objective assessment. Although the assessment was debated at the HAZID on 8 April, we disagree that the final assessment was agreed. On the contrary, DFDS raised concerns about numerous aspects of the assessment, such as that many of the worst-case scenarios presented were not reasonable worst-case scenarios, but did not participate in one of the groups considering the construction and operational risks separately,

You note in your letter that *'there is a full NRA document (circa 100 pages), that is currently undergoing final QA approval, that backs up the document you have reviewed.'* Will a copy of this, including a revised risk assessment be provided to stakeholders ahead of the proposed next HAZID?

Our ongoing concerns in regard to the worst-case scenarios presented in the risk assessment are that they are not genuinely reflective of potential worst-case scenarios, for example in the assessment number C3 (Allision/ contact), the worst-case scenario is stated to be: *'Dredge/construction vessel makes heavy contact with IOT finger pier during restricted visibility or the hours of darkness. This results in significant damage to the vessel, minor damage to IOT berth infrastructure but not manifolds / pipelines, serious injury to crew, tier 1 pollution, vessel out of service until repairs completed, delay to marine works, delay to*

IOT operations. However, in our view this is not the reasonable worst-case scenario, a reasonable scenario that is worse would be that severe damage is caused to the IOT berth infrastructure which results in a Tier 2 or 3 pollution event. Another example is the assessment for C4 (Allision/contact), the worst-case scenarios is stated to be *'Tanker proceeding to IOT finger piers makes contact with marine works resulting in damage to hull and loss of cargo. Incident resulting in; serious injuries from impact, tier 2 pollution, international reputation damage, marine works, and operations at IOT (among multiple other facilities) cease during response and following investigation.'* The 'Years between worst occurrence' is set as 50 years, we disagree that timescale is a reasonable worst-case scenario, and believe it is set artificially low.

DFDS has concerns about the mitigation measures presented in the NRA and that the value attributed to embedded controls are, potentially, overstated and the sources unexplained. For example, in assessment number O7 (collision) the hazard scenario is *'RoRo on passage to/from Immingham Eastern RoRo Terminal with commercial vessel'*, in the 'embedded controls' it states that the ability of VTS to provide 'live tidal data' will reduce the likelihood of a collision by 20%, it is unclear what evidence ABP have to support the view that such a measure could reduce the likelihood of a collision. Are the embedded control calculations which have predicted the reduction in risk based on an algorithm created from the MARNIS database?

In terms of additional mitigation, the point we were raising is that the risk assessment issued on 9 April included new mitigation measures which were not included in the previous iteration of the risk assessment, and which was not discussed at the HAZID meeting on 8 April. Therefore, the effectiveness of such mitigation cannot be ascertained. In addition, the lack of clear version control within the iterations of the NRA makes it difficult for the reader to clearly identify changes and/or additions, it would be helpful if clear version control is applied for ease of reference and transparency.

At the HAZID workshop on 8 April, in our letter of 29 April and in our most recent letter of 24 May, which we note you will respond to separately, we requested to see the simulations ABP have undertaken to support the NRA. You have yet to confirm that these are ready to view or in fact acknowledge this request. We therefore ask again to see the simulations, in advance of, or at the very least, at the next HAZID workshop to ensure we can provide informed feedback.

We understand from Tim Aldridge's email of 27 May that the proposed HAZID on 7 and 8 June has now been postponed and a new date will be issued in due course. We welcome this postponement and look forward to receiving an update on the rescheduled dates, once available.

We look forward to receiving your response to our letter of 24 May soon.

Yours sincerely,


.....
Jesper Hartvig Nielsen

Head of ferry operations, Equipment Center & Terminal Excellence

Fleet management

DFDS A/S

BRIDSON Rebecca

From: Tom Jeynes <[REDACTED]>
Sent: 01 June 2022 16:29
To: Andrew Byrne; Klaus Jonassen; Jesper Hartvig Nielsen
Cc: Emma Leam-Saville; Jonathan Lowden; Alan Finch; Nicola Robinson; Greenwood, Brian; Oliver Peat; Paul Durrant
Subject: [EXTERNAL] RE: Immingham Eastern Ro-Ro Terminal - Statutory Consultation
Attachments: DFDS meeting notes final 1 June.pdf; DFDS letter 1 June .pdf

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Good afternoon – please find attached some notes from our recent meeting on ABP’s proposed new Immingham Eastern Ro-Ro terminal. I have also taken the opportunity to write a letter to summarise more generally the main discussion points raised between us so far via our ongoing dialogue of meetings and written exchanges.

I note that Jesper has sent a letter this afternoon – which we will seek to review as soon as we can.

Very best regards,
Tom

Tom Jeynes | Sustainable Development Manager - Humber | Associated British Ports
Dock Office | Alexandra Road | Immingham Dock | North East Lincolnshire | DN40 2LZ
Tel: [REDACTED] | Mob: [REDACTED] | www.abports.co.uk



Andrew Byrne
Managing Director
DFDS Seaways UK PLC
Nordic House
Western Access Road
Immingham
DN40 2LZ

01 June 2022

Dear Mr. Byrne

Proposed Immingham Eastern Ro-Ro Terminal

Many thanks for finding time on Thursday morning to discuss ABP's proposals for the Immingham Eastern Ro-Ro Terminal. I would like to take this opportunity, which we hope will be of assistance, to address more formally some of your specific concerns and review the main points that you raised in our meeting.

I hope it is also acceptable to use the opportunity whilst writing to you to also to respond to the points raised by Mr. Nielsen in his recent letters regarding navigational safety concerns and I am copying this letter in to Mr. Nielsen for his information.

Firstly, however, I would like to convey our appreciation for the proactive way that you have engaged with us on this project to date. As you quite correctly pointed out in our meeting, we are all trying to conduct our business within a busy operational area and it is, therefore, incumbent upon us to ensure that all shipping and cargo operations run as smoothly as possible.

As you will of course know, our project, the precise details of which are still being finalised as we take into account everyone's comments, contemplates the installation of an additional three berths along the river frontage of the Port of Immingham, accompanied by the redevelopment of ABP's landside footprint so as to constitute the terrestrial cargo handling area which will support the marine infrastructure. As you identified in our meeting, the Ro-Ro sector represents a significant growth opportunity for all of us – an opportunity of which, we are pleased to hear, DFDS is also poised to take advantage.

We are also grateful for the input from Mr Nielsen, your Head of Ferry Operations, who has been able to assist us on the HAZ ID process. In particular we appreciate the experience that DFDS can bring to the ongoing review of marine safety, given that the riverside berthing

facilities that you operate in the Immingham Outer Harbour also, on occasion, require a series of intricate and complicated manoeuvres. I will address these concerns in more detail below. Taking your individual points in turn:

Impact on Drury Engineering. As we explained in our meeting, we are pleased to confirm that our preferred solution is for Drury Engineering to remain on site, albeit in a slightly reformulated footprint, so that they can continue to offer their services to the port community. We ourselves benefit from their presence on the port estate and fully understand your concern. Whilst we may not agree full terms on their revised lease before we submit our DCO application, we do intend to proceed with these negotiations as soon as possible. The DCO, therefore, will have to include a compulsory acquisition provision but this is just a backstop in order to safeguard the project.

Traffic and transport. We understand that you have concerns regarding the impact of additional traffic moving to and from the proposed new facility. Again, we fully understand why you have highlighted this as an issue. It is certainly not in ABP's interests to create unnecessary congestion within the port nor on the main approach roads to the port. We have engaged a traffic and transport consultant, who is advising us on this matter and completing his assessments for inclusion in our DCO application documentation. As you know, our project contemplates the predominant use of East Gate as its main access point to the port. This should limit congestion within the port estate, although your suggestion as to avenues for additional research is appreciated and we will indeed review the industrial cluster around West Gate and its potential to cause traffic bias towards that area. We do not believe that traffic accessing the port via the A180 towards our new terminal will exit the A180 at the Brocklesby Interchange, as this journey would represent a longer journey time. We have furthermore researched the proposed route via the Stallingborough interchange and past the new Pioneer Park development and Queens Road. Our findings, which of course build upon the initial preliminary data upon which we consulted, indicate that this road network will be capable of accommodating the additional traffic and indeed in many ways is viewed as currently being underutilised.

Environmental matters. Your consultation response highlights the importance of the Humber Estuary European Marine Site. You have correctly identified that there may well be potential, particularly on the basis of our initial preliminary layout, for an adverse effect to occur simply due to habitat loss. We have taken this comment into account and this important concern, coupled with additional data on tidal direction, has afforded us the opportunity to consider the reorientation of our marine layout so that the berths are aligned so as to incur much less habitat loss. If this can be concluded so as not to result in adverse effect, then you will appreciate that this will remove the steps required by the Habitats Regulations Assessment process.

Marine navigation. We note that you have identified marine navigation as a potential issue. This essentially equates to two main concerns. The first is with relation to marine congestion and the potential for delays to scheduled Ro-Ro services. The Port of Immingham is one of the busiest port complexes in the country, and the Statutory Harbour Authority has considerable experience in managing marine operations. We have considered the potential for delays to vessels and will be addressing the matter in much more detail in our

Environmental Impact Assessment but we are confident at this stage, and of course subject to your views and the views of other users once you have been able to consider the finalised design, that the new facility will not create navigational issues.

The second main concern with regard to marine navigation is related to vessel safety. As you know we have conducted one HAZID workshop already and the input of Mr Nielsen was appreciated in trying to identify hazards and potential mitigations. We have subsequently received two letters from Mr Nielson. The first was in the immediate wake of the HAZID workshop in which Mr Nielsen reviewed the navigational risk assessment as it stood at the time. A number of concerns were raised, which we have subsequently sought to address. As you will appreciate, the purpose of the workshop is to ensure that all the marine experts can comment and that these individual opinions can be assessed in the context of a spectrum of views. Via this collaborative approach it should therefore be possible to achieve a consensus. Ultimately, ABP, in its capacity as the Harbour Authority, holds the “Duty Holder” function and the final decision as to what measures constitute ‘ALARP’ rests with the Harbour Authority. That said, we fully recognise the need for all marine users of the port to have the opportunity to contribute to this dialogue.

In this context, we note in Mr Nielsen’s letter which he sent immediately after the first HAZID workshop, he suggested an additional HAZID process be undertaken. Bearing in mind our recognition of the need for all of the marine users to be fully involved in the exercise and in light of the evolving nature of the scheme, we agree entirely with Mr Nielson and we are currently making arrangements for a further Workshop – rearranged from the date originally proposed.

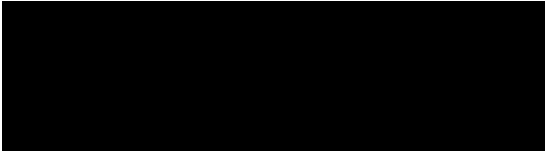
On a slightly different point, Mr Nielson goes on to say that as changes to the project are ongoing we must ensure that a proper consultation process is put in place. We presume that in this context, Mr Nielson is referring to the fact that the construction and operational phases may have to overlap slightly. We certainly do not view this as being a material amendment. It simply represents a slightly different way of achieving the same end goal and indeed, we would view a repeat of the HAZID process as being appropriate and targeted consultation given that maritime safety would be the predominant issue. We can confirm, however, that any future HAZID workshop will, of course, take into account any future design iterations. You will appreciate that you have been kept fully up to date with the project via our Spring newsletter and the most recent HAZID workshop and we view this as an ongoing exercise with you and all of the other marine port users.

Layout changes. Generally in the context of layout changes – something which DFDS have queried on a number of occasions - there have in fact been only two minor amendments to the scheme as originally proposed, both of which incidentally have arisen out of the consultation process. Firstly, as you have stated, the size of the marine infrastructure has been reduced to the extent where we are now contemplating three as opposed to a possible four berths. This has given us the opportunity to improve navigational safety, as well as directly reducing the amount of intertidal mudflat loss. On the land side, the reduction in the number of berths has also led to a reduction in landside footprint, simply because fewer cargo units would be moving through the terminal and therefore less storage space will be required.

So in conclusion, thank you again for your input to date which we genuinely value and we hope that we can continue this collaborative approach going forward – certainly we see this consultation process as being an ongoing exercise.

Please do not hesitate to contact us if you have any further questions or concerns and we look forward to your continued participation at the next HAZID workshop.

Yours sincerely



Tom Jeynes
Sustainable Development Manager
Associated British Ports
Humber

Cc: Mr. Jesper Hartvig Nielsen, Head of Ferry Operations, Fleet Management, DFDS A/S



BRIDSON Rebecca

From: Jesper Hartvig Nielsen [REDACTED]
Sent: 14 June 2022 12:59
To: 'Timothy Aldridge'
Subject: RE: [EXTERNAL] HAZID postponement

Dear Tim

Following on from your email below, I haven't heard any further from ABP in relation to potential dates for the rearranged HAZID. I'm conscious that we are approaching a period where a lot of people will have leave booked, could you please let me know what dates are being considered for the next HAZID with reasonable advance notice? I can then provide you with information on DFDS representatives' availability.

One point we thought it would be helpful to flag at this point, ahead of the next HAZID workshop is that at the previous HAZID none of the attendees (as far as we understand) are experts in construction, rather they were all maritime experts and so it would seem appropriate given the nature of the workshop that some experts in construction attend the next HAZID to ensure all elements of the NRA can be properly discussed.

Thanks,

Jesper Hartvig Nielsen

From: Timothy Aldridge [REDACTED] >
Sent: 27. maj 2022 17:06
To: Tom Jeynes [REDACTED] >; Mark Collier [REDACTED] >; Edward Rogers [REDACTED] >; Andrew Firman [REDACTED] >; Ian Cousins [REDACTED] >; Neal Keena [REDACTED] >; [REDACTED] >; Roy Kersey [REDACTED] >; Jesper Hartvig Nielsen [REDACTED] >; [REDACTED] >; Natalie Frost [REDACTED] >; Harry Aitchison [REDACTED] >; Matt Dearnley [REDACTED] >
Subject: [EXTERNAL] HAZID postponement

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Good afternoon,

In response to stakeholder comments for which we are extremely grateful, we have decided to postpone the HAZID workshop currently scheduled for the 7/8 June. This delay will enable us to ensure that we can provide you with a comprehensive set of all of the relevant materials and just as importantly, provide you with sufficient time to review those materials before the Workshop takes place. We will write separately with regard to a possible date for the rearranged Workshop but wanted to give you as much advance warning as possible of the cancellation of the currently scheduled Workshop bearing in mind the intervening half term/bank holiday next week. Please accept our apologies for any inconvenience this cancellation may cause.

Kind regards, Tim

Timothy Aldridge | Senior Maritime Consultant | ABPmer
Quayside Suite | Medina Chambers | Town Quay | Southampton | SO14 2AQ
DD: [REDACTED] M: [REDACTED]
Email: [REDACTED] | Web: www.abpmer.co.uk | www.portriskmanagement.com

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Dear All,

I am writing to let you know that the **HAZID workshop for IEERT** has been rescheduled to occur on the **2nd and 3rd of August at the Port of Immingham**. It is our intention that the revised workshop will be undertaken over two days to ensure that there is enough time to adequately discuss the potential impact of the project and construction programme scenarios that are being considered.

Whilst the dates may seem some way distant in the future, we are conscious of the fact that some of you may have summer holiday commitments and we are, therefore, deliberately giving you notice of the dates some six weeks in advance to ensure that as many of you as possible will be able to make such arrangements as may be necessary to attend.

Over the coming weeks our consultants, ABPmer will be releasing supporting information as it becomes available. This is expected to include but not be limited to a template of the Hazard Log, risk assessment criteria and an agenda for each day.

As ABPmer continue to draft the risk templates for the workshop could you please include in your RSVPs any risks that are apparent to you that were not previously covered and that you would wish us to take into consideration.

Our intention is to provide you with the updated risk template at least 2 weeks prior to the workshop so that you are able to attend with a considered mindset. This in turn will make the most of the time we have available and will facilitate greater consideration and efficacy for the NRA.

Please note that a construction engineer will be present at this workshop acting in the capacity as an additional stakeholder, as requested via feedback from the previous HAZID and in light of the alternative construction programme presented in the last communications. If you believe there are any further stakeholders required please send through your thoughts for consideration by the project team.

Lunch will be provided at the workshop. Please let me know if there are any dietary requirements.

I look forward to receiving your RSVP's and confirmation of who will attend as representatives for your organisation.

Yours Sincerely,

Oliver Peat | Development Project Manager | Associated British Ports

2nd Floor | 25 Bedford Street | WC2E 9ES

Mob: [REDACTED] | www.abports.co.uk

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BRIDSON Rebecca

From: Jesper Hartvig Nielsen <[REDACTED]>
Sent: 28 June 2022 12:14
To: Oliver Peat
Cc: Tom Jeynes; Timothy Aldridge; Montgomery Smedley; Nicola Robinson
Subject: RE: [EXTERNAL] IEERT - HAZID workshop

Dear Oliver

Thank you for providing dates for a new HAZID workshop, we appreciate your giving us more notice and more time to consider the revised risk template when it comes out. Unfortunately, August being a time of holidays, our main attendees cannot attend that week, although they would be able to attend during the weeks beginning 15 and 22 August.

We have been asking for the results of the simulations since April but have not received them; it is essential that we are able to consider these so that we can be satisfied that they have been done correctly and are able to assess the navigational impacts of the project properly.

You have asked for further stakeholders and we suggest the following, if not already on the list, as they are all potentially impacted by the navigation of an increased number of vessels at Immingham:

- A2B
- British Steel
- EIMSKIP
- Exolum
- Global Shipping
- Humber Workboats
- James Fisher & Son
- Rix Bunker Barges
- Sea-Cargo
- SMS Towage
- Svitzer Towage
- Unifeeder
- Yara
- Yacht clubs, e.g. Hull Marina, Grimsby & Cleethorpes Yacht Club, Humber Mouth Yacht Club, South Ferriby Marina

In terms of additional risks not identified we are considering this having recently appointed a navigational safety expert and will let you know if we have any to suggest.

Best regards / Med venlig hilsen

Jesper Hartvig Nielsen

From: Oliver Peat <[REDACTED]>
Sent: 23. juni 2022 10:59
Cc: Tom Jeynes <[REDACTED]>; Timothy Aldridge <[REDACTED]>; Montgomery Smedley <[REDACTED]>; Nicola Robinson <[REDACTED]>
Subject: [EXTERNAL] IEERT - HAZID workshop

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Good Afternoon all,

I am writing to you all to update you on the HAZID workshop timetable, following the initial correspondence sent (below) there have been a number of requests for alternative dates to those proposed below. Therefore ABP have taken the decision to now hold the HAZID workshops on **16th & 17th August 2022**. All other details remain as per the original invitation.

Please can I request that you confirm your attendance (and any other attendees you would like present to represent your company) by responding to this email, along with any dietary requirements.

Regards,

Oliver Peat | Development Project Manager | Associated British Ports

2nd Floor | 25 Bedford Street | WC2E 9ES

Mob: [REDACTED] | www.abports.co.uk

From: Oliver Peat

Sent: 23 June 2022 09:59

Cc: Tom Jeynes <[REDACTED]>; Timothy Aldridge <[REDACTED]>; Nicola Robinson ([REDACTED]) <[REDACTED]>; Montgomery Smedley <[REDACTED]>; Nicola

Subject: IEERT - HAZID workshop

Dear All,

I am writing to let you know that the **HAZID workshop for IEERT** has been rescheduled to occur on the **2nd and 3rd of August at the Port of Immingham**. It is our intention that the revised workshop will be undertaken over two days to ensure that there is enough time to adequately discuss the potential impact of the project and construction programme scenarios that are being considered.

Whilst the dates may seem some way distant in the future, we are conscious of the fact that some of you may have summer holiday commitments and we are, therefore, deliberately giving you notice of the dates some six weeks in advance to ensure that as many of you as possible will be able to make such arrangements as may be necessary to attend.

Over the coming weeks our consultants, ABPmer will be releasing supporting information as it becomes available. This is expected to include but not be limited to a template of the Hazard Log, risk assessment criteria and an agenda for each day.

As ABPmer continue to draft the risk templates for the workshop could you please include in

your RSVPs any risks that are apparent to you that were not previously covered and that you would wish us to take into consideration.

Our intention is to provide you with the updated risk template at least 2 weeks prior to the workshop so that you are able to attend with a considered mindset. This in turn will make the most of the time we have available and will facilitate greater consideration and efficacy for the NRA.

Please note that a construction engineer will be present at this workshop acting in the capacity as an additional stakeholder, as requested via feedback from the previous HAZID and in light of the alternative construction programme presented in the last communications. If you believe there are any further stakeholders required please send through your thoughts for consideration by the project team.

Lunch will be provided at the workshop. Please let me know if there are any dietary requirements.

I look forward to receiving your RSVP's and confirmation of who will attend as representatives for your organisation.

Yours Sincerely,

Oliver Peat | Development Project Manager | Associated British Ports

2nd Floor | 25 Bedford Street | WC2E 9ES

Mob: [REDACTED] | [REDACTED]

Mr Oliver Peat
ABP Development Manager
Associated British Ports
Dock Office
Immingham
DN40 2LZ

Our Ref
JZH/ADW/204604.0001
Date
15 July 2022

Dear Mr Peat

Proposed Immingham Eastern Ro-Ro Terminal (IERRT Development)

We act on behalf of DFDS Seaways Plc (DFDS).

As you will be aware, our client has been in correspondence with you and various colleagues at ABP/ABP Mer including Tim Aldridge and Tom Jeynes on numerous occasions over the last few months to raise its concerns with the proposed IERRT development. In particular, DFDS has written a number of letters to ABP dated 29 April, 24 May and 1 June 2022. Our client still awaits a response to the latter, in which a number of significant concerns with the draft Navigational Risk Assessment (NRA) are raised, and would be grateful if a response is provided as soon as possible.

It is noted from your email of 23 June 2022 that it is ABP's intention to provide the attendees of the HAZID workshop with an updated risk template at least 2 weeks prior to the workshop, by our calculations this means by 2 August 2022. Can ABP confirm DFDS will receive this by this date at the latest? If possible, it would be helpful if this is circulated earlier, in light of the fact that many attendees are known to be on leave during the period immediately before the HAZID, so that the risk template can be properly reviewed in advance of the HAZID workshop and attendees can provide meaningful feedback. In your email of 23 June 2022 you also note 'over the coming weeks our consultants, ABP Mer will be releasing supporting information as it becomes available. This is expected to include but not be limited to a template of the Hazard Log, risk assessment criteria and an agenda for each day.' DFDS looks forward to receiving these documents shortly.

Furthermore, in your email of 23 June you ask that DFDS informs ABP of 'any risks that are apparent to you that were not previously covered and that you would wish us to take into consideration'. DFDS considers the following risks, which were not covered at the HAZID workshop on 8 April 2022 (the April HAZID workshop), should be discussed at the forthcoming HAZID workshop on 16 and 17 August (the August HAZID workshop).

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- the choice of methodology adopted to undertake the draft NRA and rationale for this decision – DFDS considers that the wrong methodology has been used;
- the inconsistencies within the draft NRA;
- the over-optimistic timescales presented in the draft NRA;
- the choice of ‘worst-case scenarios’ and how these have been assessed in the draft NRA – in DFDS’ experts’ view they are clearly not ‘worst-case’;
- the reasoning for the conclusions in the draft NRA;
- an explanation of what the scores in the risk matrix are linked to and how they have been assigned;
- the lack of guidance provided to the attendees of the April HAZID to explain how to assign consequence ratings;
- the lack of vital attendees at the April HAZID meeting;
- how the effectiveness of mitigation has been ascertained;
- an explanation of how the recent scheme changes, such as the reduction in the number of berths and the proposal to have overlapping construction and operation, have been incorporated into a revised draft NRA.

At the April HAZID workshop, DFDS representatives requested to view the simulations which support the NRA, they were informed by ABP at the time that the simulations were not ready to be shared with stakeholders but that DFDS, and other stakeholders, would be permitted to view the simulations, once ready. Since the April HAZID workshop, our client has made multiple requests to view the simulations but has received no response from ABP nor been granted access. Our client therefore again repeats its request that it is given access to view the simulations, in advance of the August HAZID workshop, to ensure DFDS can provide informed feedback at that workshop.

We note from the minutes of the meeting between ABP and the Planning Inspectorate which took place on 4 May 2002, published on the Planning Inspectorate’s website, that ABP informed the Planning Inspectorate that ‘the Applicant stated that there are no known objectors to the scheme. Two users (tenants), however, within the port, expressed concerns. The issues are about safety of navigation’. DFDS made it explicitly clear in its consultation response of 23 February 2022 that it is strongly opposed to the project. Furthermore, the concerns our client raised in its consultation response and in subsequent correspondence are not limited to safety of navigation. It is therefore surprising to see ABP presenting an inaccurate and misleading position to the Planning Inspectorate.

Upon examining the project further, DFDS’s concerns have only increased since our previous correspondence. We find the predicted split of HGVs using the east and west gates not credible and the resultant congestion on the roads will be intolerable for not just DFDS and other users of the port, but



those in the area generally. If the project will increase congestion at road junctions and port gates houses then it should include improvements to those junctions to mitigate those impacts.

Our client maintains the view that it appears the project is subject to material amendment since the statutory consultation in January-February 2022 and that there has been inadequate consultation in light of these amendments; the extent of the changes means the proposal is significantly different from that consulted earlier in the year and ABP should undertake another round of statutory consultation.

Yours sincerely

[Redacted signature block]

Angus Walker
Partner
For and on behalf of BDB Pitmans LLP

T [Redacted]
M [Redacted]
E [Redacted]

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Mr Angus Walker
BDB Pitmans
One Bartholomew Close
London EC1A 7BL

Dir Line: [REDACTED]

Our Ref
BG/10276966

Your Ref

Date
1 August 2022

Dear Mr Walker

Associated British Ports Proposed Immingham Eastern Ro-Ro Terminal

Thank you for your letter of 15 July 2022, addressed to Mr Peat, which has been passed to me in Mr Peat's absence on holiday.

Dealing with each of your points in turn –

HAZID Workshop – the first few paragraphs of your letter relate to previous correspondence between our respective clients. I can confirm that a comprehensive response to your client's letter of 1 June 2022 is being sent and I can only apologise on behalf of my client – an apology which will be repeated in that letter – for the delay that has ensued.

That letter deals with a number of issues relevant to the pending HAZID Workshop. As you may be aware, the scheduled third HAZID Workshop was in fact deferred to 16 August 2022 at the request of two participants – one of which was your client. In response to your query, I can certainly confirm that every effort is being made to ensure that a comprehensive set of pre-reading papers will be sent to all of the invitees to the HAZID Workshop in advance of the re-scheduled date.

As far as the list of topics which your client considers should be considered at the next HAZID Workshop and which you have helpfully set out on page 2 of your letter they do, perhaps not surprisingly, merely repeat the issues that your client referenced in his letter of 1 June 2022 to which I have referred above. Hopefully when my client's response to that letter has been received by your client any outstanding concerns will have been resolved although it goes without saying that any of these points can still be raised at the next HAZID Workshop.

Navigational simulations - As far as the simulations are concerned, these are being sent to all of the HAZID Workshop participants as part of the pre-reading documentation.

Position of DFDS – We note the point you make as to the position being taken by your client to this proposal and apologise if it has been incorrectly interpreted. We certainly acknowledge that

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your client has concerns about the Ro-Ro proposal in terms of safety of navigation – thus your client's full participation in the HAZID Workshop.

That said, however, your letter suggests that your client formally objects to the new Ro-Ro facility on grounds other than navigational safety. If this is the case, it would be extremely helpful if you could confirm that to be the case and indicate the other grounds upon which your client wishes to base its objection.

Traffic congestion – Your client's concerns regarding traffic congestion have been noted and considerable consideration has since been given to this issue, post consultation in light of the feedback and consultation responses received and appropriate measures to address these concerns are being incorporated within the scheme design.

Material amendment – In the last paragraph of your letter you suggest that the project is subject to material change and that ABP should undertake another round of statutory consultation. We are very grateful to you for drawing this concern to our attention but you may rest assured that we are confident that no material change has been effected to the project since the statutory consultation.

Yours sincerely

Brian Greenwood

Brian Greenwood
Clyde & Co LLP

BRIDSON Rebecca

From: Oliver Peat <[REDACTED]>
Sent: 02 August 2022 16:49
To: Jesper Hartvig Nielsen
Cc: Tom Jeynes; Nicola Robinson; Timothy Aldridge
Subject: RE: [EXTERNAL] Follow up HAZID Workshop: IERRT Navigation Risk Assessment
Attachments: ABP - Letter to Jesper Hartvig Nielsen 02.08.22.pdf

CAUTION: This is an external email - check sender address and use caution before you click links or open attachments. Please report suspicious emails.

Dear Jesper,

Thank you for your follow up correspondence, please find attached our/my response to the points raised.

I look forward to hearing from you again and welcome the open communication.

We are also looking forward to the next HAZID workshop later in August which a number of your representatives will be attending.

Regards,

Oliver Peat | Development Project Manager | Associated British Ports

2nd Floor | 25 Bedford Street | WC2E 9ES

Mob: [REDACTED] | [REDACTED]



Captain Jesper Hartvig Nielsen
Head of ferry operations,
Equipment Center & Terminal Excellence
Fleet management
DFDS A/S
Marmorvej 18
2100 Copenhagen
Denmark

2nd August 2022

Immingham Eastern Ro-Ro Terminal (IERRT)

Dear Captain Nielsen

Thank you for your letter of 1 June regarding the above and I really must apologise for the delay in replying – although that said, you will appreciate that a great number of the points that you have raised will form part of the re-arranged HAZID Workshop.

Indeed, a large part your correspondence discusses elements that will make up the Hazard Log which informs the Navigation Risk Assessment. As you know, this will subsequently inform the Navigation chapter in the Environmental Statement that will form part of ABP's application for a Development Consent Order (DCO) for the IERRT Project.

You will also be aware that we now have a fixed date for the rearranged HAZID Workshop, namely 16/17 August at the Port, and we will have ample opportunity to discuss your concerns at that event.

Nevertheless, we have we hope, addressed below, if not all, at least the majority of your queries pending further discussion at the Workshop. Certainly, at the HAZID Workshop we will look to bring together all of the

elements of the risk assessment to a point where, as much as possible, the causes, controls, and impacts (consequence and likelihood) are understood, agreed and accepted.

- **HAZID/NRA process generally and consultee involvement** - it goes without saying that DFDS have been and continue to be an important user of the estuary and harbour infrastructure at the port and as such, you and your mariner colleagues very well understand the navigational complexities that occasionally arise. Building on the expertise enjoyed by DFDS, we have endeavoured to ensure that the consultees we have invited to participate in the Workshop - and in this context we thank you for your list of suggested attendees - comprise marine users who have a direct interface with the proposed IERRT project, principally by similarity or proximity of operation.

To this end, we have also asked Humber Estuary Services to approve the list of invitees.

With regard to the quotation that you have provided from the Port Marine Safety Code's Guide to Good Practice, as you know, paragraph 3.3.8. in full states:

"The general aim of consultation on these occasions with users and other interests is to provide an opportunity for contributions to be made both on the identification of risk and its management. Risk management often depends less on formal regulation than on winning the understanding of those whose activities create the risk and securing their agreement to safe behaviour. Organisations are therefore encouraged to advertise that they are undertaking a risk assessment, and to seek ways of securing the widest possible response from those likely to have a meaningful contribution."

As you will appreciate, the quotation above highlights the need to win the understanding of those whose activities create the risk in order to secure their agreement to safe behaviour.

The guidance has been written to accommodate a wide variety of harbour areas, some of which will have far fewer controls in place than those in force around the Port of Immingham. In particular we already have a wide and committed network of users who already have a direct

and ongoing interface with us as the harbour authority in the form of the pilotage service and PEC arrangements. In particular we recognise the contribution that your own Masters make in this regard as experienced and valued users of the port who have an unrivalled knowledge of the unique environmental and logistical characteristics of the estuary.

- **Under-reporting of risks.** You have suggested that risks – and more crucially, consequence - is being under-reported. We do not actually agree with your assertion but that said, that is precisely why we are looking forward to your involvement in the third HAZID workshop, where these concerns and differences of opinion can be discussed in much more detail.

The HAZID process – and risk assessment in general – should as you point out, be a collaborative affair. A degree of qualitative analysis is inevitable (and we would suggest unavoidable) as subjectivity cannot be completely eradicated. It is often difficult to define true objectivity – in other words a truly quantitative analysis – in a risk context and indeed guidance on Navigational Risk Assessments highlight that semi-quantitative analysis is often the greatest degree of objectivity that can be achieved.

Ultimately, we welcome the opportunity to review our Hazard Log sheets with you. These provide the fundamental basis of the NRA document – and will further explain how likelihood and consequence is scored (in other words how the ‘toolkit’ works – also known as risk matrices and likelihood/consequence tables.)

- **Layout/process followed in the Hazard Log sheets.** You have requested clarification as to the second table on each Hazard Log sheet page works and we hope the explanation below will assist. As you are aware, the process involved in reviewing each risk in the context of the HAZID (and indeed in populating the Hazard Log Sheet) is a complex journey founded on a logical thought process. First, an incident or accident scenario is identified, and its causes are defined. Next, the existing embedded controls are explained, and the worst credible scenario or outcome is identified – noting that in risk assessment terms it does have to be widely agreed to be credible. Following this, the most likely scenario is defined. Both outcome scenarios are then reviewed against their presumed likelihood and consequence, with the latter

incorporating impacts upon personnel, infrastructure, the natural environment, and the port community in general.

The next stage in the process is the consideration of any required further controls with an assessment of their ability to ameliorate likelihood and consequence. This analysis echoes the review of embedded risk whereby worst credible and most likely scenarios are examined – taking in to account the suggested additional control measure. This will lead to a consequential revision of the risk rating (a factor of likelihood and severity) on the four identified key receptors – people, infrastructure, planet and overall port community.

- **Assessment 02 – tanker stern collision.** We note your example whereby you doubt the credibility of the worst-case scenario of a tanker departing IOT8. This is a good example of where we would welcome your input in the HAZID process. It seems likely that this scenario was considered most probable on the basis of presumed departure manoeuvres from that berth leading to the specifics of the collision scenario identified – although this can, of course, always be verified at the next HAZID Workshop.

I am afraid I do not agree that a risk scenario has specifically been selected to reduce the severity of a risk. That would imply that ABP has deliberately underplayed the potential severity of a scenario's outcome. I can assure you that this would never be the case. At all times our personnel, in reviewing risks in the Hazard Log sheet, have acted with professionalism and integrity. Inevitably, differences of opinion can and will occur, but this is precisely why we are conducting the HAZID workshop.

- **Variation in likelihood reduction percentages.** We note your concern that likelihood reduction percentages for the same embedded control – you have used the pilotage service control as an example – do vary between hazard scenarios. Whilst it would be ideal to apply a consistent risk reduction criterion for each embedded control, the degree to which a control can reduce the severity of a hazard will vary from situation to situation. We welcome the opportunity to discuss this in the HAZID workshop – this is after all why we are conducting the event.

- **Incident frequencies as referenced in the Hazard log sheets.** You have raised a concern that the overall return period (occurrence) for certain types of incidents has been underestimated – in other words that the likelihood of incidents occurring is more frequent in some instances than has been suggested. MARNIS (our marine database within which all incidents – and indeed our risk assessments – are contained) has been used to extrapolate historic events. We would agree that using a small geographical area would in fact not be representative. At the end of the day if the area within which historic incidents were selected for inclusion in the likelihood figure was limited to just the development area itself, then the frequency would be zero. Therefore, the overall area used for this assessment is necessarily much wider than that. As you know, the frequency figure is contained within the Hazard Log sheet – which is the primary document being reviewed and amended at the HAZID workshop – and in that context we would welcome any suggestions and amendments that come from our stakeholders. Being able to incorporate the knowledge and experience of our marine stakeholders is, after all, the primary purpose of the event.
- **DCO timetable.** You are quite correct that previous documents produced by ABP have stated that construction will start mid-2023. We are anticipating that we should be able to submit our DCO application – and accompanying documentation – in September 2022 and are hoping that consent will be obtained within a year.

We accept that this is indeed a tight timescale, and we are currently considering the issues arising in terms of construction programme. That said, we do not believe that this should influence the outcome of a HAZID review process given that the risks we are discussing remain valid irrespective of when construction will start.

- **NRA subjectivity.** We recognise that the Hazard Log sheet – and subsequent NRA analysis – will have subjective elements. This is a recognised and unavoidable consequence of the risk assessment process. Indeed, it is very difficult to design a completely empirical and objective risk assessment, particularly in the marine environment. The various codes of practice and marine industry-based protocols on the matter recognise this and advise that a semi-qualitative risk assessment can represent the most viable option, whereby subject matter experts

can help to reduce subjectivity. An overarching framework is used to define likelihood and consequence/severity and multiple elements of the same risk can be effectively put together because, as we all know, the worst accidents in any industry tend to be where several failures have all combined. IMO FSA, PMSC Guide to Good Practice and other guidance on risk assessments all incorporate the realisation that risk assessments can very rarely be fully qualitative and offer various suggestions – primarily the advice of marine experts – to ensure that subjectivity – in other words the over-reliance on qualitative metrics – is reduced as far as possible.

- **Finalisation of Hazard Log sheets in last HAZID.** We can confirm that in this context, we have taken into account comments made at the last HAZID workshop. You will, of course, appreciate, that ABP as the statutory harbour authority and Duty Holder as defined in the Port Marine Safety Code has the final decision on how its harbour area should be operated, it is clearly in all our interests, and indeed also required by the Port Marine Safety Code, that harbour users are fully consulted on the operation of the harbour area - thus the pending HAZID workshop.
- **HAZID workshop pre-reading material.** Whilst we will not be able to provide a copy of the NRA as it has not yet been completed, we are preparing a package of documents to be issued ahead of the next workshop. This will include a revised set of Hazard check sheets which have been populated with comments from the previous workshop. We would not want this to be viewed as pre-empting opinion at the next HAZID workshop, we are merely including this to provide guidance as to how discussions processed last time. Attendees will have ample opportunity at the workshop to ensure that their concerns and observations are recorded on the document and in the minutes of the meeting.
- **Identification of worst-case scenarios.** You have suggested that the identification of worst-case scenarios is not genuinely reflective of what could happen in reality.

Such a statement, however, goes to the heart of the HAZID process. If you feel that the worst credible scenario has been underestimated then we would welcome your further advice – presumably based on your

experiences of HAZID workshops conducted for DFDS facilities elsewhere, including at the Immingham Outer Harbour.

As I have stated above, one of the principal purposes of the workshop is to consult with valued and experienced marine professionals and we can confirm that there is nothing effectively 'off the table' in terms of assessing risk on various scenarios. If you feel the scenarios are not appropriate, then please do suggest further scenarios that we can adopt at this HAZID workshop.

- **Value attributed to mitigation controls.** This matter has been addressed above in the context of the subjective versus objective nature of risk assessments, but we agree with you that opinions can differ as to the effectiveness of mitigation measures. The first, and arguably most important step in this process is the identification of the mitigation measures themselves, which in the marine environment should be reasonably simple as the selection criteria will be based upon well-established methods of working adopted over the years by experienced mariners.

As to the value attributed to each embedded control/mitigation measure, often a degree of subjectivity cannot be ruled out but as discussed above, the purpose of the HAZID workshop is to try and establish a consensus. Whilst the sources of each embedded mitigation control may not be fully articulated, it is hoped that most items are generally accepted practice that are familiar to most mariners. For example, using the extract that you have selected, having access to tidal information would presumably be extremely useful to a pilot or PEC holder when underway within the estuary. It is for the various experts in the room at the HAZID process to decide to what extent the risk is reduced. There are no embedded control calculations or algorithms as such – indeed such a process is not actually mandated by industry guidance; rather the process relies upon the expert opinion of industry practitioners.

- **Navigational simulations.** We have, as you point out, commissioned a number of simulations and underpinning studies at HR Wallingford, the UK's leading marine simulation provider. Several parties have requested sight of the output of these studies, and we are pleased to confirm that

this information will be provided next week as part of the package of pre-reading documents.

Lastly, we would like to thank you for your continued involvement in the HAZID process. As I have highlighted above, it is only with the ongoing involvement of experienced marine practitioners that we can properly review the hazards – and embedded controls – which will continue to ensure the safety of mariners using the Port of Immingham.

As mentioned above, several the conclusions gleaned from this HAZID process will also assist us with managing existing operations at the port for the benefit of all vessels – including of course yours – and can also be applied to any further marine developments at the Port of Immingham.

You may also be aware that we have recently received a letter from BDB Pitmans, on behalf of DFDS, bringing several points to our attention regarding the project. We shall be responding separately to that letter in due course.

We look forward to seeing you at the next HAZID workshops where we can continue our dialogue on this important step in the process.

Yours sincerely,

Oliver Peat
ABP Development Manager – IEERT Project Lead

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Good afternoon,

As has been previously discussed and circulated, we are holding a HAZID workshop for the proposed IERRT project on 16 and 17 August. I am pleased to attach the pre-read materials for the workshop. Attached to this this e-mail you will find:

- * Agenda
- * HAZID template sheet (also known as risk log)
- * Risk assessment tool template (likelihood and consequence tables)
- * Causes and controls summary
- * Indicative design parameters/construction timeline and methodology for marine works

We have also arranged access to the various investigative reports and simulation reports produced by HR Wallingford. As these are large files, they can be downloaded from HR Wallingford via the below link.

DJR6612-RT001-R01-00-Design
Review.pdf
3.05 MB

DJR6612-RT002-R02-00-ProjectSugar-
NavSim.pdf
26.79 MB

DJR6612-RT003-R01-00-Sugar-
1degRotation-IOT-NavSim.pdf
10.51 MB

DJR6612-RT004-R01-00-Sugar-QS-
ForceAssessment.pdf
1.72 MB

DJR6612-RT005-R03-00_Project Sugar-
NavSim-Jul-22.pdf
44.44 MB

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In summary, these reports include:

- * Initial design review
- * Navigational simulations report from last December
- * Further navigational simulations report from April
- * Quasi-static forces assessment (review of tidal forces/current data)
- * Navigational simulations report from July

Lastly in a slight change from previously advertised arrangements, the second day of the HAZID workshop (17 August) will have a changed venue. We are proposing to hold the second day at Forest Pines Hotel near Scunthorpe. We will provide further details on the first day (16 August) and apologise for any inconvenience. For those who do not have access to their own transport we will be happy to arrange – and pay for - a taxi/minibus from and back to the Immingham area, and would be grateful if you could let us know if you would need us to arrange this for you.

Please note that the arrangements for the first day remain the same, that is to say the 16 August HAZID workshop will be held, as previously advertised, at the Mission to Seafarers, Immingham Dock (next to the Immingham Dock Office.) We would also be grateful if you could let us know if you have any particular dietary requirements.

Very best regards,
Tom

Tom Jeynes | Sustainable Development Manager - Humber | Associated British Ports
Dock Office | Alexandra Road | Immingham Dock | North East Lincolnshire | DN40 2LZ
Tel: [REDACTED] | Mob: [REDACTED] | www.abports.co.uk

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TEMPLE Ally

From: Tom Jeynes <[REDACTED]>
Sent: 03 August 2022 16:42
To: Jesper Hartvig Nielsen; Graham Bishop
Cc: Oliver Peat
Subject: [EXTERNAL] RE: HAZID pre-read material - Immingham Eastern Ro-Ro Terminal - forthcoming HAZID workshop
Attachments: IERRT marine layout on navigational chart 2.png; IERRT marine layout on navigational chart 1.pdf; IERRT marine layout 1.pdf; IERRT marine layout 2.pdf

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Good afternoon,

Further to my e-mail below regarding the pre-read material ahead of the next HAZID workshop, I'm pleased to also attach some drawings which show the marine layout of the proposed new terminal.

Very best regards,
Tom

Tom Jeynes | Sustainable Development Manager - Humber | Associated British Ports
Dock Office | Alexandra Road | Immingham Dock | North East Lincolnshire | DN40 2LZ
Tel: [REDACTED] | Mob: [REDACTED] | www.abports.co.uk



From: Tom Jeynes
Sent: 02 August 2022 18:10
To: Jesper Hartvig Nielsen <[REDACTED]>; Graham Bishop <[REDACTED]>
Cc: Oliver Peat <[REDACTED]>
Subject: HAZID pre-read material - Immingham Eastern Ro-Ro Terminal - forthcoming HAZID workshop

Good afternoon,

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DJR6612-RT003-R01-00-Sugar-1degRotation-IOT-NavSim.pdf	10.51 MB
DJR6612-RT004-R01-00-Sugar-QS-ForceAssessment.pdf	1.72 MB
DJR6612-RT005-R03-00_Project Sugar-NavSim-Jul-22.pdf	44.44 MB

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In summary, these reports include:

- Initial design review
- Navigational simulations report from last December
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- Quasi-static forces assessment (review of tidal forces/current data)
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Very best regards,
Tom

Tom Jaynes | Sustainable Development Manager - Humber | Associated British Ports
Dock Office | Alexandra Road | Immingham Dock | North East Lincolnshire | DN40 2LZ
Tel: [REDACTED] | Mob: [REDACTED] | www.abports.co.uk



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Good afternoon,

Further to Tom's e-mail below regarding the pre-read material ahead of the next HAZID workshop, I'm pleased to attach an updated link to the Navigational Simulation reports. The reason for the re-issue is that it was discovered by HR Wallingford that there was an anomaly on the "gusting" for the modelling of some of the runs. Therefore, HR Wallingford re-ran the runs affected and produced an additional report DJR6612-SC002-R01-01_Project Sugar-Additional Runs.pdf. which is included in the updated link below. It is worth noting that this has not changed the outcome of the results but the update is being shared to ensure full transparency on the robustness of the process.

Very best regards,
Oliver Peat

The following file(s) have been sent to you
from M.Parr@hrwallingford.com

DJR6612-RT001-R01-00-Design
Review.pdf
3.05 MB

DJR6612-RT002-R03-00-ProjectSugar-
NavSim.pdf
29.51 MB

DJR6612-RT003-R02-00-Sugar-
1degRotation-IOT-NavSim.pdf
13.46 MB

DJR6612-RT004-R01-00-Sugar-QS-
ForceAssessment.pdf
1.72 MB

DJR6612-RT005-R04-00_Project Sugar-
NavSim-Jul-22.pdf
61.86 MB

DJR6612-SC002-R01-01_ProjectSugar-
AdditionalRuns.pdf
60.37 KB

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Oliver Peat | Development Project Manager | Associated British Ports

2nd Floor | 25 Bedford Street | WC2E 9ES

Mob: [REDACTED] | www.abports.co.uk

From: Tom Jeynes <[REDACTED]>

Sent: 03 August 2022 16:42

To: Jesper Hartvig Nielsen [REDACTED]; Graham Bishop <

[REDACTED]>

Cc: Oliver Peat [REDACTED]

Subject: RE: HAZID pre-read material - Immingham Eastern Ro-Ro Terminal - forthcoming HAZID workshop

Good afternoon,

Further to my e-mail below regarding the pre-read material ahead of the next HAZID workshop, I'm pleased to also attach some drawings which show the marine layout of the proposed new terminal.

Very best regards,

Tom

Tom Jeynes | Sustainable Development Manager - Humber | Associated British Ports

Dock Office | Alexandra Road | Immingham Dock | North East Lincolnshire | DN40 2LZ

Tel: [REDACTED] | **Mob:** [REDACTED] | www.abports.co.uk

From: Tom Jeynes

Sent: 02 August 2022 18:10

To: Jesper Hartvig Nielsen <[REDACTED]> Graham Bishop <[REDACTED]>

Cc: Oliver Peat <[REDACTED]>

Subject: HAZID pre-read material - Immingham Eastern Ro-Ro Terminal - forthcoming HAZID workshop

Good afternoon,

As has been previously discussed and circulated, we are holding a HAZID workshop for the proposed IERRT project on 16 and 17 August. I am pleased to attach the pre-read materials for the workshop. Attached to this this e-mail you will find:

- * Agenda
- * HAZID template sheet (also known as risk log)
- * Risk assessment tool template (likelihood and consequence tables)
- * Causes and controls summary
- * Indicative design parameters/construction timeline and methodology for marine works

We have also arranged access to the various investigative reports and simulation reports produced by HR Wallingford. As these are large files, they can be downloaded from HR Wallingford via the below link.

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Very best regards,
Tom

Tom Jeynes | Sustainable Development Manager - Humber | Associated British Ports

Dock Office | Alexandra Road | Immingham Dock | North East Lincolnshire | DN40 2LZ
Tel: [REDACTED] | Mob: [REDACTED] | www.abports.co.uk

BRIDSON Rebecca

Subject: FW: [EXTERNAL] HAZID pre-read material - Immingham Eastern Ro-Ro Terminal - forthcoming HAZID workshop

From: Jesper Hartvig Nielsen <[REDACTED]>

Sent: 12 August 2022 12:25

To: 'Tom Jaynes' [REDACTED]; 'Oliver Peat' [REDACTED]

Cc: 'Graham Bishop' [REDACTED]

Subject: RE: [EXTERNAL] HAZID pre-read material - Immingham Eastern Ro-Ro Terminal - forthcoming HAZID workshop

Dear Tom and Oliver,

Thank you for your email of 2nd of August regarding the upcoming HAZID meeting which we look forward to attending. It is clearly going to be a busy agenda but a very valuable arena for delegates to assist in ensuring the project is as safe as possible.

As you are no doubt aware from our previous communications, DFDS has concerns regarding aspects of the risk assessment process to date and serious concerns regarding the accuracy of the simulations which I am sure must be shared by other stakeholders. I feel it is vitally important that we discuss these openly as a delegate group prior to commencing the HAZID workshop and ensure we are all clear about the process going forward.

I also wish to relay my concerns regarding the splitting of the delegate groups for the NRA process. Whilst I appreciate this may expedite the process, the aim of the HAZID is for us to discuss the inherent risks and feel this is best achieved as a wider group to ensure the debate is as productive and comprehensive as possible

To that end may I request sometime be made available after introductions so that these concerns can be shared without causing too much disruption to the timetable.

I look forward to receiving your response and seeing you next week.

Best regards / Med venlig hilsen

Jesper Hartvig Nielsen

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Good evening ladies and gentlemen,

Thank you very much for the time and effort that you put into the workshop. I appreciate that risk assessment can be a testing and repetitive affair. However, I believe that our efforts over the past few days have helped to shape an environment which has the potential to ensure that the men and women who work within the Port of Immingham will be safe to do so for many years to come.

I have attached a draft of the HazLog that we discussed over the last two days. The risks that have a yellow cell for the alphanumeric name in column M (e.g. O1 or C2) are the risks that we were able to complete within the workshop. The risks that have a green cell for the alphanumeric name are the risks that we did not get the chance to address. As suggested by the floor, Harry and I have gone through and pre-populated the risks that we did not get the chance to discuss in order to aid your responses for this round of correspondence.

Please let us know of any changes you wish to make to the risks that are colour coded green (as described in the previous paragraph). Once we have this feedback collated we will promulgate the HazLog as a draft for your comment prior to taking it for discussion with the Duty Holder.

The deadline for this round of correspondence will be 7 working days, as agreed upon within the workshop (Mon, 29 Aug 22).

If I have missed anyone in the distribution from your respective organisations please forward this email onto them.

I hope you all have a great weekend.

Kind regards, Tim

Timothy Aldridge | Senior Maritime Consultant | ABPmer_
Quayside Suite | Medina Chambers | Town Quay | Southampton | SO14 2AQ
DD: [REDACTED] | M: [REDACTED]
Email: [REDACTED] | Web: www.abpmer.co.uk |
www.portriskmanagement.com

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Good Afternoon Jesper,

I would first of all like to thank you and your colleagues for attending the HAZID for the IERRT project over last week, the input from you and your colleagues was very valuable to the process.

As we progressed through the two days I hope that we have been able to close out the concerns you raised below. To summarise the day's proceedings, following the initial introductions and presentation on the proposed construction methodology a considerable amount of time was taken to discuss the methodology for the HAZID workshop to ensure that all attendees were aligned in how to approach the discussions. We also collectively progressed to utilising a single group to discuss the individual risk scenarios rather than splitting into groups.

We also spent a considerable amount of time discussing the Navigational Simulations with ABP's independent specialist Mike Parr (Author of the reports), from HR Wallingford. He presented the information and responded to any questions raised by the attendees. I believe we concluded this with alignment from all on the validity of the reports and the iterative process that was carried out to lead HR Wallingford to the conclusions of the final report.

As discussed at the end of the HAZID, further correspondence will be issued by ABP Mer to continue the consultation on the HAZID.

Regards,

Oliver Peat | Development Project Manager | Associated British Ports

2nd Floor | 25 Bedford Street | WC2E 9ES

Mob: [REDACTED] | www.abports.co.uk

From: Jesper Hartvig Nielsen <[REDACTED]>

Sent: 12 August 2022 12:25

To: Tom Jeynes <[REDACTED]>; Oliver Peat <[REDACTED]>

Cc: Graham Bishop <[REDACTED]>

Subject: RE: [EXTERNAL] HAZID pre-read material - Immingham Eastern Ro-Ro Terminal - forthcoming HAZID workshop

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Dear Tom and Oliver,

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of the risk assessment process to date and serious concerns regarding the accuracy of the simulations which I am sure must be shared by other stakeholders. I feel it is vitally important that we discuss these openly as a delegate group prior to commencing the HAZID workshop and ensure we are all clear about the process going forward.

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I look forward to receiving your response and seeing you next week.

Best regards / Med venlig hilsen

Jesper Hartvig Nielsen

From: Tom Jeynes <[REDACTED]>
Sent: 2. august 2022 19:10
To: Jesper Hartvig Nielsen <[REDACTED]>; Graham Bishop <[REDACTED]>
Cc: Oliver Peat <[REDACTED]>
Subject: [EXTERNAL] HAZID pre-read material - Immingham Eastern Ro-Ro Terminal - forthcoming HAZID workshop

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Dear Oliver,

Thank you for the mail below.

We, DFDS appreciated that time was used to discuss the methodology for the HAZID workshop and the simulations reports supposed to support the NRA's, even though time was not set aside in the agenda as requested prior to attending the workshop.

Despite the time taken we do however not feel more comfortable with the approach used.

We see a number of issues, not least due to the fact that ABPmer decided not to risk score in favor of just using risk descriptions.

We do appreciate that there is nothing that says you cannot do this but the whole point of a risk assessment is to be able to measure the risk of an activity against a predetermined matrix.

This is to allow an unbiased and constant approach to assessment of a hazard which tells you if the risk is tolerable or not and whether further controls are required to reduce the score.

This cannot be done without a measure to assess against.

With regard to the simulation reports we valued that Mr. Parr, Wallingford participated and described his reasoning behind the reports.

We raised a number of concerns and during the meeting the Harbor Master, as you know, concurred not less than three times with a number of pec holders, that the current stipulated in the report does not correspond with reality, nor with the experience obtained by the pilots and pec holders during their trade for decades on the Humber, which unfortunately compounds our view that the report fundamentally is flawed, based on weak data and that it, therefore, should be re-run, which were also our believe that same was concluded at the HAZID workshop.

We fully realize the significance of the views highlighted above and will therefore be reverting in writing in due time, to ensure these concerns are formally registered and addressed appropriately.

Best regards / Med venlig hilsen

Jesper Hartvig Nielsen

From: Oliver Peat [REDACTED]
Sent: 22. august 2022 18:17
To: Jesper Hartvig Nielsen <[REDACTED]>
Cc: Tom Jeynes <[REDACTED]>; Graham Bishop <[REDACTED]>
Subject: RE: [EXTERNAL] HAZID pre-read material - Immingham Eastern Ro-Ro Terminal - forthcoming HAZID workshop - Confidential and Legally Privileged

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2nd Floor | 25 Bedford Street | WC2E 9ES
Mob: [REDACTED] | www.abports.co.uk

From: Jesper Hartvig Nielsen <[REDACTED]>
Sent: 12 August 2022 12:25
To: Tom Jaynes <[REDACTED]>; Oliver Peat <[REDACTED]>
Cc: Graham Bishop <[REDACTED]>
Subject: RE: [EXTERNAL] HAZID pre-read material - Immingham Eastern Ro-Ro Terminal - forthcoming HAZID workshop

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Hi Andrew

I just wanted to let you know that there will be a formal announcement next week, Tuesday 30th August, regarding the potential new project to the east of IOT. When we met, I mentioned it then and I understand a schematic was also shown at the HAZID workshop so there shouldn't be any real surprise.

Once the announcement is made and it's in the public domain, please let me know if you would like me to arrange a session with the project team who can explain the concept in more detail.

Best regards

Chris

Chris Bowlas | Head of Commercial (Humber) | Associated British Ports

Dock Office | Immingham Dock | DN40 2LZ
Mob: [REDACTED] | www.abports.co.uk

All business transacted in accordance with ABP's Standard Terms & Conditions, printed in the annual tariff - available at:

www.humber.com/Pilotage_and_Charges/ABP_Commercial_Port_Tariffs/

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Immingham Eastern Ro-Ro Terminal **('IERRT')**

Summer Newsletter – August 2022 **Scheme Update**

The IERRT Proposals

This Summer Newsletter provides an update, following our Spring Newsletter, on our proposals to develop a new three berth Ro-Ro facility in the Port of Immingham.

We are now in the final stages of completing our application for what, as we have mentioned in earlier Newsletters, is known as a Development Consent Order, or a 'DCO' for short.

The DCO application process is not the same as applying for a planning permission. If approved, the DCO will be made by the Secretary of State for Transport, not the local planning authority – although the two local authorities, North East Lincolnshire and North Lincolnshire Councils will be playing a critical part in the application process.

In addition, unlike a planning application, there are a large number of legal and procedural requirements that have to be put in place and met by ABP before the application can be submitted.

Further, as well as the legal and procedural requirements, first and foremost, the impact of the application has to be comprehensively assessed. All of this takes time and we have deliberately not rushed the pre-application stage so as to ensure that all of the potential impacts, both marine and on the landside, have been properly considered and assessed.

Our application will be submitted to the Planning Inspectorate ('PINS') who will

deal with the application process on behalf of the Secretary of State. We hope to be in a position to submit our application towards the end of September this year.

We will publish another Newsletter when we have submitted the IERRT application which will explain the process that follows after submission.

In brief, however, the application will first be reviewed by PINS and if accepted as properly made, we will advertise widely throughout the locality that the process has commenced, indicating how and where the application documents can be reviewed and invite representations.

In due course, the application will be subject to what is known as 'examination' undertaken by either a single, or in some cases more than one Inspector, appointed by the Secretary of State through PINS.

The Current Position

All of that, however, is in the future. What have we been doing since we wrote to you all in Spring?

In the intervening months since we undertook the statutory consultation at the beginning of this year, we have been honing the proposals for the IERRT, taking on board the responses we have received both during the formal consultation and afterwards – we are always open to suggestions from anyone and we have, of course, been discussing the scheme with the local authorities, regulators, stakeholders and interested parties – and continue to do so.

As explained in our Spring Newsletter, we decided to reduce the size and scale of the scheme from that originally advertised, which contemplated up to four berths, to three berths. This decision was made following very helpful feedback during the statutory consultation and our own assessment of the potential impacts of a four berth proposal in terms of the marine

environment. The reduction in scale of the scheme has had the positive benefit of reducing the overall impact of the scheme.

Further recent refinements to the scheme have included, in summary, the following:

- a slight change to the alignment of the new bridge within the Port so as to reduce potential impact upon port tenants;
- a small adjustment to the location of the berths away from intertidal mudflat meaning that any intertidal loss will be negligible;
- improving the East Gate dock entrance by the creation of a second entrance lane; and
- incorporating proposals for environmental enhancement of an area of woodland adjacent to and in the ownership of ABP.

In addition, consideration is also being given to the need for further jetty impact protection.

Environmental Impact Assessment

The IERRT is subject to what is known as Environmental Impact Assessment.

That assessment, which is a key component of our application, is contained in the Environmental Statement – although the word “Statement” is probably a little misleading! In fact, the “Statement” runs to hundreds of pages and contains a comprehensive description of the project, providing an assessment of all of the possible environmental impacts and effects of the IERRT across a wide range of topics. Each topic is addressed in a separate chapter, as follows -

- Physical processes
- Water and sediment quality
- Nature conservation and marine ecology
- Commercial and recreational navigation
- Coast protection, flood defence, and drainage
- Ground conditions, including land quality

- Air quality
- Airborne noise and vibration
- Cultural heritage and marine archaeology
- Socio-economics
- Traffic
- Land use planning
- Climate change
- Cumulative and in-combination effects

The Environmental Statement will also contain the following information -

- A description of the IERRT Project
- Construction details and methodology; and
- An analysis of need and alternatives

The Environmental Statement will be published online, together with all of the other DCO application documents, after the application has been accepted for examination by PINS.

Getting Involved

We will be publishing another Newsletter following submission of our application, which will explain how you can participate in the examination process if you so wish. Interested bodies, regulators, stakeholders (i.e. those bodies which might be affected by the development) and members of the public will be able to register to take part in the DCO examination.

In the meantime, we continue to welcome any comments and observations about our proposals. You can write to us at:

Email: imroro@abports.co.uk

Post: Associated British Ports, Port of Immingham, Dock Office, Alexandra Road, Immingham Dock, Immingham, North East Lincolnshire, DN40 2LZ (*Quoting Reference: Immingham Eastern Ro-Ro Terminal*).

Any updates we have on the IERRT scheme will be posted on ABP's project website: www.abports.co.uk/imroro.

The Application Process

As we have emphasised over the last months through our Newsletters, the DCO application process may well seem rather alien and complex to some – it is certainly far from simple and straightforward!

ABP is eager to ensure, however, that all or any of you who would like to participate in the process – be it to support, object or to question – actually understand the process.

We have, therefore, provided in the following section a very brief summary of the steps which will follow after we have submitted the IERRT application. As mentioned above, we will provide a more detailed explanation as to how you can participate, in person or in writing, in groups or individually, when we submit the application.

1. Pre-application – The IERRT Project evolves through consultation and an application is prepared for submission to PINS. This is the current stage of our project.

2. Acceptance – The application is submitted to PINS and PINS have 28 days to decide whether all the necessary documentation has been submitted to enable the application to proceed.

3. Pre-examination – Upon acceptance by PINS, ABP must publicise that the application has been accepted and detail how parties can register to get involved in the examination.

4. NSIP examination – A preliminary meeting takes place to set the agenda and timetabling of the programme, following which the examination stage starts where the Examining Body (in other words the single Inspector or the Panel of Inspectors), examines the application over a fixed maximum period of six months.

Examination is conducted through written representations and oral hearings, but considerable weight is placed on the written representations submitted by all participating parties.

5. Recommendation and Decision – After the NSIP examination closes the Examining Body has three months within which to write its Report and Recommendations and submit it to the Secretary of State.

6. The Secretary of State – Will ultimately make the decision as to whether or not to grant the DCO. The Secretary of State has a maximum of three months to make his or her decision.

7. Post Decision – This is the final stage of the process, which provides a six-week legal challenge period.

Timeline for the IERRT

The estimated timeline for the project is shown below -

Late Summer 2022 – Submission of the DCO application – as noted, we currently expect to submit the application towards the end of September.

Early 2023 – Anticipated start of the DCO examination period.

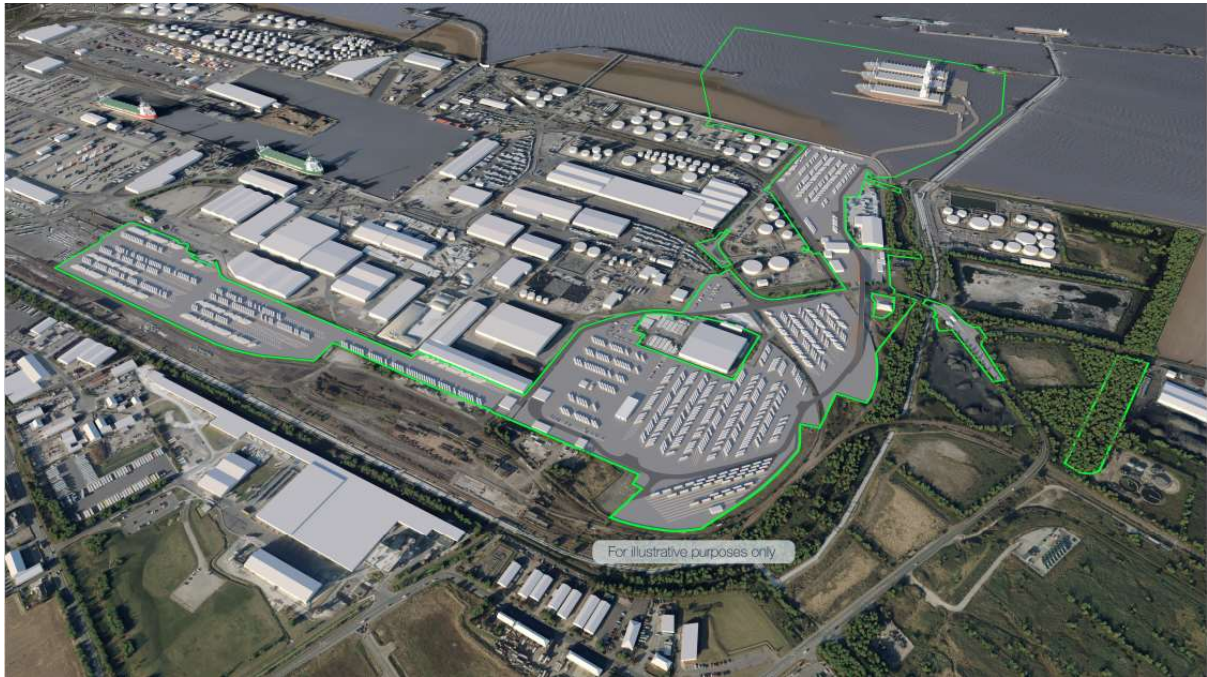
Late 2023 – Decision on the IERRT DCO application, and construction likely to commence.

Early/Mid 2025 – Anticipated commencement of operations.

Questions –

If you have any questions about any of the above, please do not hesitate to ask us, using the contact details provided above.

This 3D Image shows, although very much only as an indicative representation, the IERRT scheme as proposed. It may be subject to further minor changes prior to submission of the application.



BRIDSON Rebecca

From: Jesper Hartvig Nielsen [REDACTED]
Sent: 29 August 2022 16:26
To: Oliver Peat
Cc: Tom Jeynes; Timothy Aldridge; [REDACTED]
Subject: RE: Letter to ABP
Attachments: Notices to PEC and Pilots.pdf; Training material.pdf; Letter to Oliver Peat 29-08-2022.pdf

Dear Oliver,

I forgot to include the attachments referred to in the letter.

For sake of good order I have also included the letter once again.

Do apologies for the inconvenience caused.

Best regards / Med venlig hilsen

Jesper Hartvig Nielsen

From: Jesper Hartvig Nielsen
Sent: 29. august 2022 16:15
To: Oliver Peat [REDACTED] >
Cc: Tom Jeynes [REDACTED]; Timothy Aldridge [REDACTED]
Subject: Letter to ABP

Dear Oliver,

Referring to the HAZID workshop two weeks ago and our email correspondence thereafter, kindly find our written reply attached to this mail.

Wish you all a great evening.

Best regards / Med venlig hilsen

Captain
Jesper Hartvig Nielsen
Head of ferry operations,
Equipment Center & Terminal Excellence
Fleet management



DFDS A/S
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29th of August 2022

Oliver Peat
Development Project Manager
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London
United Kingdom

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2100 Copenhagen E
Denmark
T: +45 3342 3342
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Proposed Immingham Eastern Ro-Ro Terminal

Dear Oliver

I refer to our email exchange during last week and the mail from Tim Aldridge from Friday the 19th of August.

We, DFDS appreciated that the workshop was conducted in a much more collaborative manner than the previous one, and we also appreciate that time was used to discuss the methodology for the HAZID workshop, and the simulations reports supposed to support the NRA's.

Despite this we do however not feel more comfortable with the approach used.

DFDS already had concerns about the preparatory work for the workshop, as follows:

The tidal model used in the simulations HR Wallingford disseminated looked at odds with previously published Humber Estuary Services (HES) training material and Notices to PECs & Pilots (attached). It was also very clear in the meeting that the attending PEC holders and the Harbor Master shared our view that the simulated tide was incorrect, and the difference in the angle of a tide makes a very significant difference to the ability to manoeuvre vessels.

We understand the data was principally taken from a single AWAC buoy and believe the buoy may possibly have been faulty, the dataset corrupt, or that the single position chosen for the survey was insufficient. It is certainly unusual in our experience to use a single survey site for collecting data for such a major project and to project same to a far larger area then covered by the buoy.

Additionally, the wind data used was taken from the Immingham MCC. From experience the data from this anemometer is unreliable and consequently pilots and PEC holders traditionally use the Stone Creek anemometer to obtain an accurate wind force and direction.

We are concerned that our Jinling vessels were used in the simulations. This class of vessel was designed to cope with the difficult navigational complexities of Vlaardingen, rather than the Humber, which is why they are highly maneuverable, and in our opinion, not representative of the vessels that will visit the proposed terminal. Given that you have

access to the CLdN c240m models would it not have been prudent to attempt some of the simulations using this class of vessel to get a broader view of the potential difficulties of the berths, or better still, insist that the applicant or their client commission an accurate model of the vessels which they intend to operate on this terminal?

We note that the simulation reports identify the need for '*Additional assessment and recommended procedures and limits for all classes of vessel and a wider range of environmental conditions*'. Such '*Additional assessment*' should be done prior to a HAZID workshop to fully inform the delegates of exactly how different vessel types would cope with such a complex manoeuvre. This would have allowed the limits to be pre-determined, and in any event a risk assessment cannot be viewed as complete until such critical information has been considered.

The assessment of risks at the HAZID workshop did generally follow the IMO's formal safety assessment guidance, but there were in our opinion some significant issues in terms of measuring risk. As it was not clear which risk assessment methodology is being used it is difficult for the attendees to know which to apply when considering the hazard risks; the attendees were not informed if the NRA is being completed against a five by five matrix or ten by ten; no numerical risk values and descriptive categories were suggested and agreed prior to the workshop including ALARP and most importantly no risk scores were produced for each hazard to measure against the agreed risk levels to inform if the hazard is tolerable or not, as would normally be expected. This is confusing for the attendees and is likely to lead to inaccuracies in the risk assessment.

The fact that ABPmer, have chosen not to use any recognised marine risk assessment tool, adds to the confusion. Why is such a system not being used? Surely the use of a recognised and proven software solution would demonstrate greater transparency in this process and guarantee greater objectivity?

The 'hybrid' methodology used in the risk assessment process is concerning as the applicant's consultants appear to have 'cherry-picked' portions of the OREI and IMO FSA systems to build a methodology that benefits their client. I am sure you will recognise that given this development lies fully within the Humber SHA that using any of the offshore renewable energy methodology does not represent best practice and underplays the level of risk since the cost brackets are much higher for more expensive offshore wind infrastructure.

During the workshop we were informed that the statutory duty-holder will decide whether the risk is tolerable, based on the verbal risk decisions. This transforms what ought to be (and was, to some extent) a largely objective and collaborative process into one that is entirely subjective and in the control of the applicant for the project. Furthermore, by using a description as opposed to a score there is basically no measure for ALARP which means that decision is left to how one person interprets the descriptions and can be set differently for each hazard. Therefore, there is no standard approach and it's easy to be misled to believe a hazard is tolerable when in fact it is not.

To demonstrate the inherent and unacceptable risk in this project, DFDS has carried out an analysis of several of the scenarios identified in the HAZID workshop and entered them into our HAZMAN II risk analysis software. The baseline risk is as high as 7.4 (using a 5x5 matrix) for some scenarios placing them well above ALARP and of serious concern especially given the subjective way in which the applicant is proposing to identify intolerable risks.

The mitigations offered by the applicant also seem heavily reliant on HES providing a 'robust training solution' to avoid the 'challenging' manoeuvring and 'mitigating the inherent risk' identified in the simulation reports. We would expect such training programs are

already in place given the complexity of the Humber Estuary and do therefore not see this as an 'additional' mitigation.

In general, it is very unclear which of the mitigation proposals you are intending to adopt, and what changes to the project (or applications for additional projects) this will involve. We are already concerned that the changes to the project since the statutory consultation are sufficiently great as to render it invalid; the 'Summer 2022' newsletter suggests even more changes, which together with the finger pier potentially being moved only makes this worse.

The constantly changing plans the applicant has produced, many at very short notice, has made the whole process muddled leaving me and our marine representatives confused as to which design and system of construction the applicant is proposing. It is our opinion that the applicant should have made these decisions based upon the (correct) simulation reports and only proposed a HAZID workshop when the design and limitations of the berth had been finalised. We would therefore expect that the simulations are re-run based on correct data and alternative vessels, and that risks are reviewed accordingly.

Lastly, we are concerned that the workshop only considered 9 of the 25 risks that had been identified, and although we have agreed to consider the remainder through exchanges of emails this means that most of the risks will not get the same level of interactive scrutiny as those considered at the workshop. Since receiving the full NRA from ABPmer it has also become apparent that serious risks involving the Immingham East Jetty have been overlooked

Despite our concerns as laid out above, we have commented on the NRAs that were not considered during the HAZID workshop by continuing with the same approach. These can be found on the following pages.

However, first and foremost, after going through the NRAs again we believe that two risk scenarios are missing namely "*RoRo arriving to new Ro-Ro terminal berth 2-3 and having an allision with tanker berthed during cargo operation on eastern jetty*" and "*RoRo proceeding from new Ro-Ro terminal berth 2-3 and having an allision with tanker berthed and during cargo operation on eastern jetty*".

Both NRAs have the potential to lead to catastrophic events and with the increasing frequency in traffic very close to the eastern jetty these NRAs need to be added to the list. For your convenience these are attached in the excel file.

We have chosen not to add any additional measurements to these NRAs, as we believe they would need to be backed up by further material such as simulations stating weather restrictions related to wind and tidal flows.

DFDS continue to be committed to working with ABP on this critical process and trust you will ensure that our concerns are addressed appropriately to ensure the safety of navigation on the Humber is protected.

Look forward to hearing from you.

Yours sincerely

Jesper Hartvig Nielsen

Head of Ferry Operations, Equipment Centre & Terminal Excellence

DFDS A/S

Construction:

C3:

Worst:

-This could be a fatality instead so people should be four.

Most likely:

-Frequency should be almost certain. There are minor allisions on the Humber every year.

-People should be a two. As discussed, more times on the HAZID workshop there are some mental works to be done with the master in all collisions, groundings and allisions so can never be a one.

Further controls:

PEC already there so have no effect. Guard vessel and marking area ok, however guard vessel to be 24/7 also when no construction is ongoing as the structure will still be there. Furthermore, the guard vessel needs to be able to push a vessel clear of the danger, if not no effect.

Risk remains the same

C4:

Worst:

-Frequency should be raised to unlikely

-With multiple fatalities it would be international news

-The investigation will take time and meanwhile the project will be delayed so property will be raised to five.

Most likely:

-Frequency should be almost certain. When construction vessels are working so close they will often have unexpected contact.

-People should be a two. As discussed, more times on the HAZID workshop there are some mental works to be done with the master in all collisions, groundings and allisions so can never be a one.

-There are no damages that will below 10000. Property should be a two with damages below 750000.

Further controls:

The marine craft know the area wherefore marking it will not have an effect on this risk.

Therefore, risk remains the same as before.

C6:

Worst:

- Frequency should be raised to unlikely.
- This could be a fatality instead so people should be four.

Most likely:

- Frequency should be possible.
- People should be a two. As discussed, more times on the HAZID workshop there are some mental works to be done with the master in all collisions, groundings and allisions so can never be a one.

Further controls:

I would expect that dredger would have pec or pilot therefore I do not seem that this will do anything.

Therefore, risk remains the same as before.

C7:

Worst:

-Hydraulic oil being thin easily disperses most port authorities can cope with that so tier 1 would be more realistic. However, the loss of fuel to a hole in the hull of the dredger would push it to tier 2 or potentially 3 depending on the size of spill and therefore a four.

Most likely:

- Frequency should be almost certain. A dredger operates on shallow water and here with strong currents there is a high risk for grounding.
- People should be a two. As discussed, more times on the HAZID workshop there are some mental works to be done with the master in all collisions, groundings and allisions so can never be a one.
- There is never a damage below 10000 so should be a two in property.

Further controls:

I would expect that dredger would have pec or pilot therefore I do not seem that this will do anything.

Therefore, risk remains the same as before.

C8:

Worst:

Text: With oil leaking an ignition could start and then we could look at least one fatality.

- People should be a four.

-With strong current the spill can move very fast and therefore environment should be a five.

-Pollution and serious injuries or a fatality would be at least national news and therefore a four.

Most likely:

-Frequency should be almost certain. This is part of the job to work with these things and small accidents happen very frequently.

C9:

Worst:

Text: Why an unmanned barge? Manned we could look at least one fatality. Do know that it will probably be used as a work platform and to move equipment to site etc. So not continuously manned but people will be onboard for different tasks.

-People should be a four.

-Damages will be more than 750000 should be a three.

-A small pollution cannot be disregarded so should be a three.

-With huge operational delays the port will have very negative publicity and negative result for other stakeholders wherefore this should be a five.

Most likely:

-Frequency should be almost certain. This is part of the job to work with these things and small accidents happen very frequently.

-People there may be at least small injuries therefore at least a two.

-Damages for more than 10000 therefore a two.

-Minor damage to reputation therefore a two.

Further controls:

Not sure how a support vessel can change this, therefore risk remains the same as before.

C10:

Worst:

-Should be major injuries. People a three or four.

Most likely:

-Frequency should be almost certain. This is part of the job to work with these things and small accidents happen very frequently.

-Property will be more than 10000 so a two, as bollard and frame damage will occur as well as a replacement line being required.

Further controls:

Acknowledge there is an improvement, but this will not take the risk to unlikely.

C11:

Worst:

Text: Could also be a commercial vessel sailing on the river.

-Frequency should be raised to possible

-With multiple fatalities it would be international news

-The investigation will take time and meanwhile the project will be delayed so property will be raised to five.

Most likely:

-Frequency should be almost certain. This is part of the job to work with these things and small accidents happen very frequently.

-People there may be at least small injuries therefore a two.

Further controls:

Marking the area will not reduce the risk for a vessel creating a large wave.

Therefore, risk remains the same as before.

C12:

Worst:

-Damages to property will exceed 4M, raise to four.

-With a vessel sunk pollution as tier two is very likely. Raised to three.

-Major delays for other stakeholders and stop of operation for several days, port to be increased to five.

Most likely:

-Frequency should be almost certain. This is part of the job to work with these things and small accidents happen very frequently.

Further controls:

A loading plan should already be in place, and therefore not seen as additional.

Therefore, risk remains the same as before.

Operation:

O6:

Worst:

-Frequency should be raised to unlikely.

-Pollution need to be upgraded to a four as stated significant.

Most likely:

-Frequency should be raised to likely.

-People should be a two. As discussed, more times on the HAZID workshop there are some mental works to be done with the master in all collisions, groundings and allisions so can never be a one.

-Pollution cannot be disregarded so raised to a two.

Construction + Operation:

CO1:

Worst:

-Pollution need to be upgraded to a four as tier 2 pollution cannot be disregarded.

-Multiple fatalities will have international publicity.

Most likely:

-Frequency should be raised to likely.

-Pollution cannot be disregarded so raised to a two.

-Size of damage would mean minor damage to reputation. Port to be raised to 2.

Further controls:

VTS already in place and expected to clear traffic for berthing, therefore not seen as additional.

Instructions not to arrive – depart when work in progress also a procedure that would be expected to be in place when construction this size takes place.

Therefore, risk remains the same as before.

CO2:

Worst:

-Frequency should be raised to unlikely.

-Pollution need to be upgraded to a four as tier 2 pollution cannot be disregarded.

CO3:

Worst:

-Frequency should be raised to unlikely as in C10.

-Should be major injuries. People a four.

-Pollution need to be upgraded to a four as tier 2 pollution cannot be disregarded.

Most likely:

-Frequency should be almost certain. This is part of the job to work with these things and small accidents happen very frequently.

-Property will be more than 10000 so a two.

Further controls:

Acknowledge there is an improvement, but this will not change the risk from unlikely.

CO4:

Worst:

-Frequency should be raised to possible

-With multiple fatalities it would be international news

-The investigation will take time and meanwhile the project will be delayed and thereby a lot more expensive, so property will be raised to five.

Most likely:

-Frequency should be almost certain. This is part of the job to work with these things and small accidents happen very frequently.

Further controls:

VTS already in place and expected to clear traffic for berthing, therefore not seen as additional measurement.

Instructions not to arrive – depart when work in progress should also be a procedure that already should be in place when construction of this scale takes place.

Therefore, risk remains the same as before.

CO5:

Worst:

-Frequency should be raised to possible

-Serious injuries or fatality cannot be disregarded, raised to four

-Pollution need to be upgraded to a four as tier 2 pollution cannot be disregarded.

Other stakeholders would also suffer for damages larger the 8M. Port raised to five.

Most likely:

-People should be a two. As discussed, more times on the HAZID workshop there are some mental works to be done with the master in all collisions, groundings and allisions so can never be a one.

-Pollution need to be upgraded to a four as tier 2 pollution cannot be disregarded.

Further controls:

Additional training is too broad and cannot be used as we expect people to have the proper training before operation have started.

History have shown accidents and incidents occur even though we have highly skilled crew, pilots and pec holders. We are now in 2022 and we do expect far better qualifications than seen in the past and therefore this cannot be seen a further control measurement.

Berthing criteria acknowledged to have an effect but need to be very considerable restrictions in order to lower the likelihood. These not seen nor documented by simulations therefore risk remains the same.

COS:

Worst:

-Frequency raised to possible

-As there could be operation with chemicals on eastern jetty multiple fatalities cannot be disregarded. People raised to five.

-Damages would exceed 8M, property raised to five.

-This would create a stop I the port and with multiple fatalities and tier 3 pollution this would be international news. Port raised to five.

Most likely:

-Frequency should be almost certain. This is part of the job to work with these things and small accidents happen very frequently.

Further controls:

If tugboat is long side the barge then there will be an effect of likelihood and consequence otherwise not.

Risk to change to unlikely and likely.



GENERAL NOTICE TO PILOTS

NO. 21/2004

DEPARTURE FROM IOT FINGER PIER 8

Gentlemen

Recent incidents involving vessels departing finger pier 8 on a flood tide has highlighted the following:

APT has raised concerns that on several occasions departing vessels coming off on their forward spring, rapidly fall back alongside whilst backing down thereby causing some damage to jetty structure.

To prevent this the recommended manoeuvre should be to slide down the jetty with or without engines depending on the strength of the tide until the wheel fender is usable. As the vessel clears the berth, "Bull Sand 1" should slide up towards the bow to push the vessel all the way round to starboard. Care should be exercised when engaging the Bull Sand 1 as too much weight put in towards the stern can have the effect of putting excessive pressure on the bow/jetty interface.

NB: The roller fender has been purposely designed for a vessel being in full contact with it whilst moving, and pilots should have full confidence to use it as such.

If any pilot or PEC holder wishes to discuss this manoeuvre, please feel free to contact me.

Capt P J Pannett
PILOTAGE OPERATIONS MANAGER

26 October 2004



GENERAL NOTICE TO PILOTS NO. 04/2004

ENTRY TO IMMINGHAM DOCK ON THE EBB TIDE

Gentlemen

Please may I draw to your attention the detailed guidelines for a safe ebb tide approach to Immingham Lock contained in the Pilotage Operations Manual.

Furthermore, whenever it is ascertained during the pilot/master exchange that the master will have the con during the approach to the lock, the pilot must make time during the passage upriver to fully discuss the intended manoeuvre and ensure that the master's understanding and proposed actions are consistent with the guidelines for safe entry. During the manoeuvre the pilot should continue to play an active role within the bridge team, offering advice and recommending corrective action as necessary.

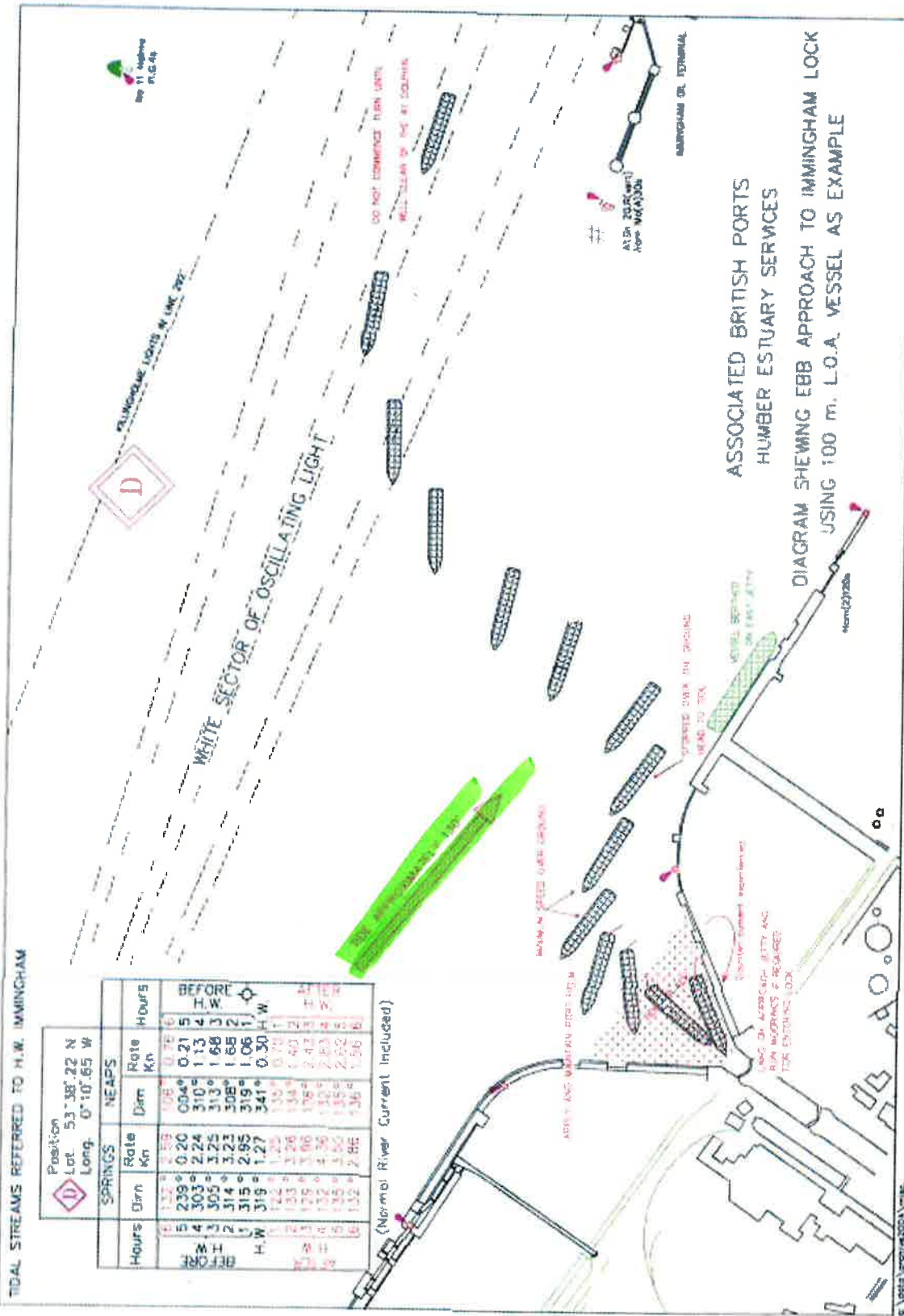
Attached to this notice is a diagrammatical representation for a vessel entering Immingham Lock on the ebb tide. Pilots should use a copy of this diagram to help explain the ebb approach to masters of inbound vessels during the pilot/master exchange.

Additionally, some tidal flow readings at varying depths in Immingham Bellmouth are available in the pilots' area at Port House. These were commissioned by the Dock Master, Immingham several years ago and should be treated as indicative only, bearing in mind that some modifications have been made to the east and west jetty structures since.

Capt P J Cowing
PILOTAGE OPERATIONS MANAGER

14 January 2004

Faxed to: AHMs - 01964 650164
M Gough - 01469 571559



Faxed to: AHMS - 01964 650164
 M Gough - 01469 571559



GENERAL NOTICE TO PECS No 12/2008

**ALSO ISSUED AS GENERAL NOTICE TO PILOTS NO.
16/2008**

Also issued as Notice to VTS No. 04/2008

TURNING SHORT ROUND OFF THE I.O.T.

Gentlemen

In a recent incident a vessel from up river bound for Immingham Dock on the ebb tide was swung to stbd in the vicinity of No. 11 buoy. She was overcome by the tide and set quickly down towards the IOT, unfortunately her port quarter made contact with the bulbous bow of a moored tanker on IOT No. 1. Prior to the swing the pilot had made VHF contact with a ferry inwards bound for the IOH and agreed a green to green passing, expecting to pass in the vicinity of No. 11 buoy. This was a flawed plan especially given the direction and strength of the tide.

Turning short round towards the IOT, especially on the ebb, except for the purposes of berthing or to avoid collision, should be avoided. Pilots are advised to carefully plan the swing for Immingham when approaching from up river on the ebb. If, due to traffic, it is not considered prudent to swing above the bell mouth, then vessels should continue past the IOT and swing when clear to do so downstream of the jetties.

Capt P J Pannett
PILOTAGE OPERATIONS MANAGER

1 July 2008

www.humber.com



GENERAL NOTICE TO PECS

NO. 05/2015

Also Issued as: General Notice to Pilots No. 06/2015

Gentlemen,

ENTRY TO IMMINGHAM DOCK - For non tidal vessels.

Recent incidents of entry into Immingham Lock on both the flood and ebb tide have resulted in extensive damage to both the port infrastructure and the vessels.

This has highlighted the need for basic principles of manoeuvring in the approach to be adhered to at all times, irrespective of the vessels capabilities.

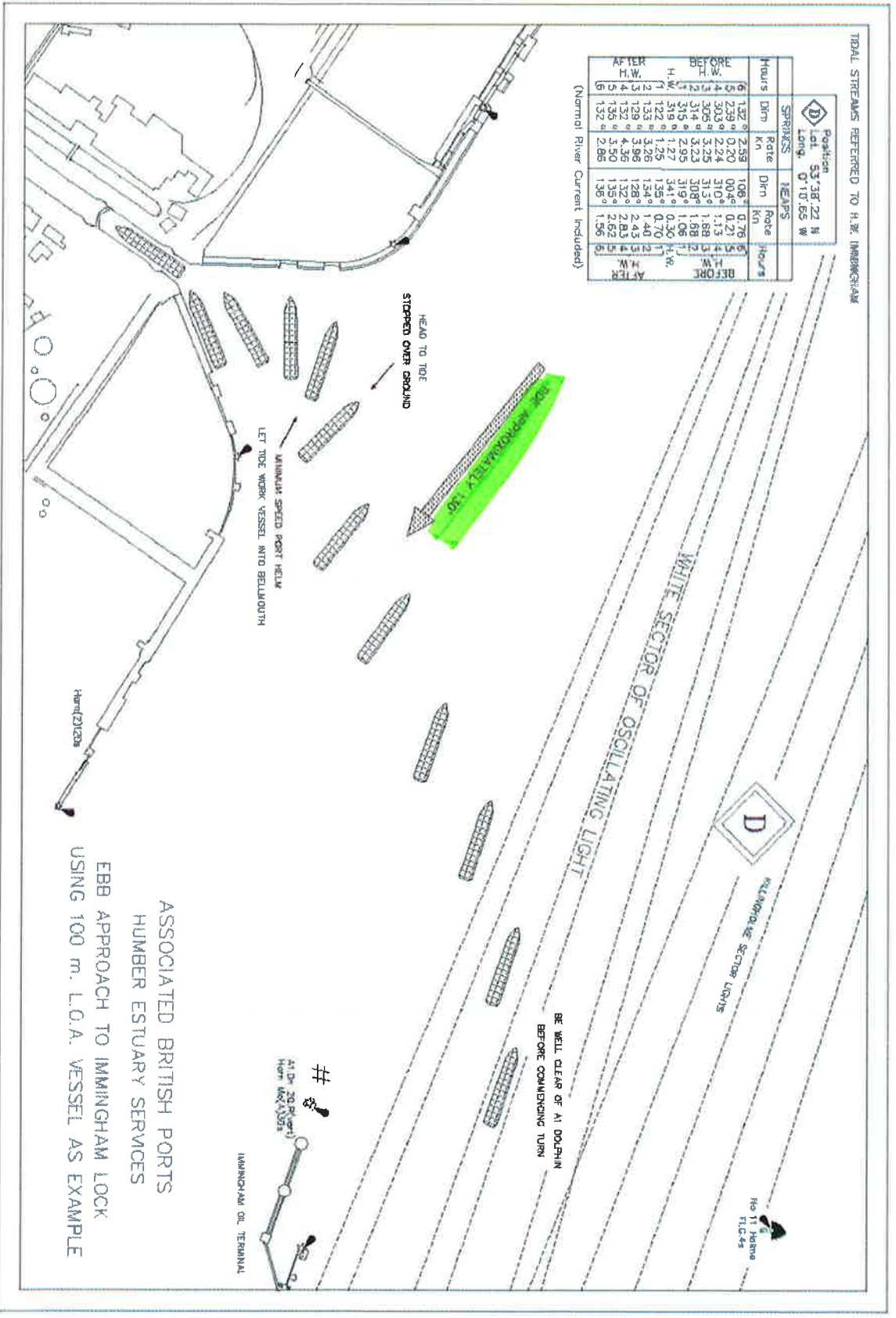
Whilst investigating each incident a common fault has contributed to all cases. Each vessel has failed to be stopped over the ground, head to tide, under full control (with minimum power applied), before a final approach is made.

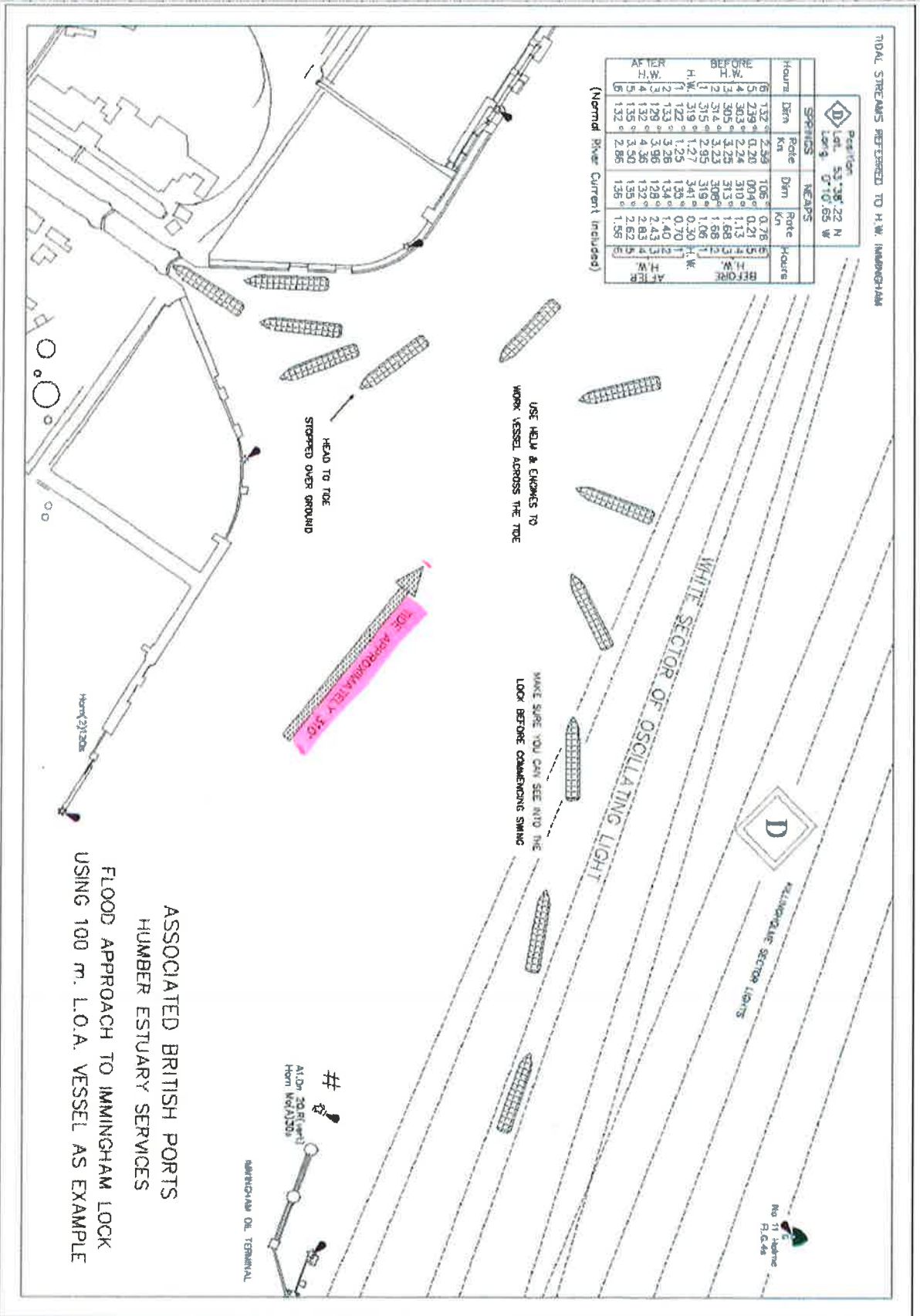
By accomplishing this basic principle, it removes the momentum from the start of the planned approach.

This puts the PEC holder in the best possible position to determine the effect of wind and tide on the vessel before the final approach is made.

PEC Holders are reminded that entry into Immingham Lock must be a least a two stage manoeuvre.

Andrew P Swift
PILOTAGE OPERATIONS MANAGER HUMBER
21 May 2015
www.humber.com





IOT

OPERATOR **APT** 01469 570300
BERTHING MASTER 01469 570314

CHARTS Stallingborough to Skitter Haven - Annual Survey
 IOT Shoal

VHF 69 "Oilbase", 71,73,17 (with B.S.C.)

MAX.VESSEL	Min. Dwt	Max. Dwt	Draft
No.1	12190t	284480t	14.0m
No.2	4570t	284480t	14.0m
No.3	2000t	80000t	12.8m

RESTRICTIONS Up to 9000t Dwt none
 9000 - 40000t Dwt. HW / LW Immingham +/-1.5hrs, depending on draft
 40000t + Dwt. - subject to passage plan.
 VLCC's, vessel over 150,000 Dwt not berthed when the following ebb tidal range is greater than 6m.
 Wind restrictions

ARRIVAL **Flood** **Strong set off**
 Swing off bell mouth & steam back to the berth.
 Watch for shoal patch, lights in line/lock open or swing off the No. 10 Upper Burcum Buoy and drop back with the tide until abeam of the berth. Once alongside, lines out ASAP to stop vsl setting off. Preferably use a tug to keep vessel alongside whilst mooring.

Ebb **Strong set on, be aware when slowing down passing Sunk Spit.**

DEPARTURE **Flood** Head West, swing to port off berth ensuring bow will safely clear the berth
 Ebb Head west, leave on last ebb & either swing off the Bellmouth or to Stbd. off berth. **If too early, tide will pin you onto the berth.**
 Head East, if leaving on the ebb make sure the vessel is well clear of the berth before proceeding down river, as there is a strong set onto both the berth and the Upper Burcom LF.

NOTES Two incidents have occurred recently during a period of strong north-easterly winds when berthing at high water. The vessels involved have been well-found and, under normal circumstances, do not take the services of a tug. However, on these occasions the wind has set the vessels strongly toward the berth and engine

power, rudder and thrust have failed to prevent some damage being caused. In the case of strong winds onto the berth, Masters should be encouraged that it would be most prudent to take the services of a tug.

What may also be of assistance to the berthing would be a short delay until some tide is running in which to work against during the final approach. However, as the ebb sets strongly onto the berths the use of a tug may still be required.

If pilots find that the master is very unwilling to take the tug, he should express his concern to the berthing master at APT who will advise as to whether the vessel will or will not be allowed to berth. VTS should also be informed. **[GNTP 05/05]**

An investigation has taken place into an incident which occurred whilst a 45,000 tonne tanker was singling-up ready to depart IOT3 while head west on the last of the flood tide with three tugs in attendance. All the tugs were ordered to push up 100% prior to the aft breasts being released. Once the breasts were let go, the vessel stern set off to such an extent that the remaining after 3 spring lines parted. Fortunately there were no injuries on this occasions.

We have received reports from the pilot, tug masters, vessel owners and berthing masters, and whilst no single failure in our current system could be identified as a single cause of the incident, the following contributory factors were identified and possible corrective action agreed:

1. **The load on the aft springs was excessive** - Consideration should be given in future to singling-up to fwd springs and to breast lines aft which, given the forces acting on the ship will be able to withstand the expected strain aft more effectively. When making this assessment the pilot should consult with the berthing master and continue to liaise positively with him throughout the operation.
2. **The tugs in attendance were not able to keep the vessel alongside** - Considerations should be given to putting the larger tug further aft as this is where greater forces will be acting on the vessel when singling-up. A review of the minimum towage requirements on this berth has identified the need to distinguish between loaded and ballast vessels. The passage plan is to be amended accordingly.
3. **The vessel was effectively bowsed in by the pivot effect of the forward tug being possibly ahead of the most forward fender** - Consideration should be given to the positioning of the forward tug where there is a large overhang from the jetty

face. (It is noted that in this incident No 1 tug was stopped once the stern started to swing out.)

4. **Given that the control factors in place have always been adequate to date, it is possible that the tidal regime was stronger than expected at the berth** - ABP Marine Environmental Research have been commissioned to undertake a tidal study in the near future which will aim to correlate the effect of hull-shape, tidal strength and the strain on the bollards on both spring and neap tides and the results of this will be reviewed again to identify any future additional control measures necessary.
5. If any doubt exists as to the strength of the tide, then sailing should be delayed until the tide has eased. **[GNTP 09/08]**

Mooring plans are supplied by APT and are available at Port House. However if the Pilot does not receive the plans or they have not been faxed to the vessel, then he is to contact the berth on Channel 69 for the mooring Information.

Mooring patterns may vary due to the position of the vessels equipment.

Tug Requirements to IOT No 1, 2 and 3, IOT

TUG REQUIREMENTS

Tug provision for the Port of Immingham is by several private companies.

The master through the ship's agent should normally order tugs. Immingham Docks or pilots will assist with the ordering if required. The master must state which towage company is preferred. Details of towage companies and tugs can be found on the following link:-

<http://www.humber.com/Estuary-Information/Navigating-the-Estuary/Ship-Towage-Tugs/index.asp>

or in the General Notice to Pilots/PEC's No 2 of each year.

Dock Master, Immingham

The Dock Master at Immingham will liaise with the tug provider concerning the movement of tugs and will use his best endeavours to expedite the movement of tugs from the dock to the river so as to enable the tugs stipulated in Section 5 to be in attendance at the Sunk Spit Light Buoy or to seaward of the Humber intakes in the case of a vessel < 40k dwt.

Information required by the Dock Master, Immingham in connection with the

Immingham Finger Piers

OPERATOR **APT** 01469 570300
BERTHING MASTER 01469 570314

CHARTS Stallingborough to Skitter Haven - Annual Survey

VHF 69 "Oilbase", ,71 ,73 ,17 (with IBT.)

MAX. VESSEL	Dwt	Length	Draft
No.6	5500	104m	7.0m
No.8	5500	96m	7.0m
No.7		61m	5.0m
No.9		61m	5.0m

Normally Berths 7 and 9 are used by vessels of less than 750 tonnes S.Dwt.

Vessels with a S.Deadweight in the range 750-1,000 tonnes may use these berths when vessels are berthed at 6/8 respectively subject to APT regulations.

RESTRICTIONS

Arrival Flood tide only. Between LW Imm + 45 min TO HW Imm
Departure Same as arrival

Above restrictions apply to vessels over 1300 dwt.

ARRIVAL

No. 6 - set off. Head for knuckle & when close, allow vessel to set north & get a forward spring out. If a Southerly wind, consider running a heaving line from aft to get a sternline on. Have tug ready to push amidships.

No.8 - set on. As above but head slightly south and then allow to be set flat alongside.

DEPARTURE

Prior to letting go, pilots should call Immingham Dock on Ch 19 for an update on lock traffic.

No. 6 - Have the tug pushing full to keep the vessel alongside whilst unmooring.

Finger Pier Tug

A small tug is available 24 hours a day at IOT. The tug will be in attendance during all movements on and off the Finger Pier Berths for use at the discretion of Master

/ Pilot / APT Berthing Master. This tug can only push; it is not able to tow vessels.

Pilots are reminded that anchors are there to be used and are a valuable asset for berthing and also when manoeuvres do not go to plan.

Berthing and Unberthing

In the past during berthing operations at the Finger Piers (with vessels) where the vessel's draught has been very light in relation to her size in strong winds issues have been raised.

During the pilot/master exchange if the draught appears unduly "Light" for the prevailing weather conditions, then the pilot should query this with the master and the possibility of taking a tug should be discussed and/or putting in more ballast. It should be noted that the "Bull Sand 1" is an aid to berthing and not a replacement for a front line tug.

On several occasions in the past vessels departing IOT 8 and coming off on a forward spring, rapidly fall back alongside whilst backing down thereby causing some damage to the jetty structure.

To prevent this, the recommended manoeuvre is to slide down the jetty with or without engines until the wheel fender is usable. As the vessel clears the berth, "Bull Sand 1" should slide up towards the bow to push the vessel all the way round to starboard. Care should be exercised when engaging the Bull Sand 1 as too much weight put in towards the stern can have the effect of putting excessive pressure on the bow/jetty interface.

It should be noted the roller fender has been purposely designed for a vessel being in full contact with it whilst moving, and pilots should have full confidence to use it as such.

Moorings

Following an incident in 2003 where a mooring man was injured whilst handling a spring line, APT have given instructions to the mooring crews on the Finger Pier that as soon as spring line(s) are fast on the bollard situated under the jetty desk, the mooring crew must immediately vacate the area leaving the heaving line fast.

In the event that further spring are required to be run this will be after the vessel has stopped moving ahead and is safe to proceed back under the jetty deck.

Boarding and Landing

Pilots are reminded that when boarding and landing at the Finger Piers only an approved means of access/egress should be used. This will be either

- The Ship's gangway
- The vertical quay face ladder
- Lower level access stairways at either end of the Chick San platform.

In the event that Pilot feels that these are not entirely suitable at the time, he should ask the berthing master for the Finger Pier tug to take him off the ship and land him at a suitable platform. **[GNTP .../11]**

Notes

Do not get south of line: Bargehole / Imm E.Jetty

Require > 5c visibility to sail.

Moorings 3 + 2 ship's lines.

Flood tide sets off No 6 and onto No. 8.

Finger Pier Berths

Under normal circumstances berthing will not be allowed if the "off-berth" mean wind speed is forecasted at two hours before the berthing time, to exceed 40 mph (Force 8 - Gale) or if the "on-berth" mean wind speed is forecasted to exceed 30 mph (Force 6).

There will be occasions when a vessel may be berthed outside these criteria (e.g. if a vessel is on passage and the wind increases, it may still be safer to allow the vessel to berth rather than turn around and return to the anchorage).

The APT Berthing Master will make this decision after consultation with the vessel's Master and/or Pilot.

Immingham Dock

OPERATOR ABP 01469-570506

CHARTS Stallingborough to Skitter Haven - Annual Survey

VHF 19 & 68 ,71,73, 17 (with B.S.C.)
69 (with A.P.T.)

MAX. VESSEL	Length	Beam	Draft
1/2 Lock (N)	79 m	26.8 m	10.36 m
1/2 Lock (S)	136 m	26.8 m	10.36 m
Full Lock	223 m	26.8 m	10.36 m

LOCK	Length	Breadth	Hdg.
	256m	27.2m	036/216
Outer Sill 7.6m			
Level: HOT 7.0m up to HW -10mins.			
Pens: 24hrs, closes 14.8m on sill, HOT 7.2m			

DOCKING SIGNALS 3 Red lights in a vertical line prohibit entry from Sea.
3 lights: Green, White, Green in a vertical line show entry into Immingham Dock permitted.

ARRIVAL **Flood** HW - 5hrs to HW
Swing to port once lock open & stem off W. jetty (O.1c). Do not swing too early as vessels turn readily to port on the flood tide! Be aware of traffic and Clay Huts and the set onto No 11 buoy. Have a spring ready to land on W. jetty if necessary. From a position stopped over the ground, with WJ knuckle abeam & EJ knuckle/light fine to Stbd., gather min. headway. As WJ open, keep bow close to EJ and work into the Bellmouth. Watch approach speed and do not enter until lined up. Note tidal eddy may push bow to port at the entrance. Beware when first of flood (LW to HW -2.5hrs.) as mud behind jetties may be exposed and vessel may be set to port and then to Stbd. in bell mouth.
Deep vessels (8m +) enter at HW slack. LW to LW + 1 hr.

Ebb Watch set onto "A1" dolphin. Put tide on Stbd. bow and crab down to the E. Jetty. Stem tide approx. 1 ship length off (heading 310 deg) and get vessel stopped in water. Organise BM to stand by for a spring on EJ approach if landing on. Gather min. headway and

crab into Bellmouth. Watch port quarter on knuckle, alter too soon and you may get set onto it. Wait until vessel is inside of the line of the E/W jetties and then come hard round to head for the east knuckle on the port side. Keep vessels turning to port as they may straighten up and end up stemming with WJ. Reduce speed, which will increase as you get back into the slack water. Aim to land on the east side of the lock entrance, as it is better fendered. You are less likely to be pinned alongside by the current rather than further north on the approach jetty. As there is a counter current, which may push the bow to Stbd. and make it difficult to land on. Do not use Stbd. helm but a kick astern if needed to land on flat. Get a spring out ASAP.

REMINDER:

If it is ascertained during the pilot/master exchange that the master will have the con during the approach to the lock, the pilot must make time during the passage up river to fully discuss the intended manoeuvre and ensure that the master's understanding and proposed actions are consistent with the guidelines for safe entry. During the manoeuvre the pilot should continue to play an active role within the bridge team, offering advice and corrective action as necessary.

Ebb from up river

Slow down off clay huts & swing to Stbd off WJ. Let vessel swing until parallel to EJ & stem tide. Then proceed as for normal approach.

NOTE:

If there is a vessel leaving the lock, then it will be safer to stem uptide of the lock entrance. Tidal flow charts are available for reference at Port House, Immingham Dock Master and in Spurn and Grimsby lobbies.

DEPARTURE

Ebb

Plenty of power ASAP & A/C to port if necessary to allow for set. Do not A/C to Stbd. until face of IOT is open. On spring tides, no tugs fast fwd, and do not back out on standby boats.

Notes

Tide ebbs until approx. LW Hull that is approx. 1 hour after LW Immingham.

East side of lock is fendered.

Leading lights at No. 5 Quay in the dock - W (2) 10 secs - to assist in lining up for the lock when outbound.

The bollards on the east side of the lock are numbered from the lockhead.

Fixed fenders over the side of a vessel are not permitted.

LOCK ENTRY TRAFFIC SIGNALS

Recently a large ferry was stemming the ebb tide for Immingham Lock entrance waiting for outbound traffic to clear the lock prior to making her final approach and entry. A misunderstanding on the part of the PEC holder on the ferry led him to believe that only one vessel was waiting to leave the lock when, in fact, there were two vessels. A and B. Once Vessel A had left the lock, the ferry commenced her final approach into the Bellmouth. Vessel B was not visible from the ferry bridge at this time as the lock was run down and it was approaching low water. At this time, Vessel B was making her way out of the lock. Both the PEC holder on the ferry and the master of Vessel B were very surprised to see each other and both vessels had to take immediate evasive action to avoid a collision. Unfortunately, during these manoeuvres, Vessel B made contact with fendering on the outer end of the eastern jetty causing substantial damage to that structure and a small amount of damage to herself.

The traffic signals at Immingham were set at three reds, prohibiting entry from the sea and they remained on red throughout this incident. The PEC holder on the ferry who was on the helm, engine controls, bowthruster and VHF had not observed these signals. It should also be noted that the second vessel leaving the lock, contrary to the Humber Navigation Byelaws 1990, had failed to sound her whistle signal.

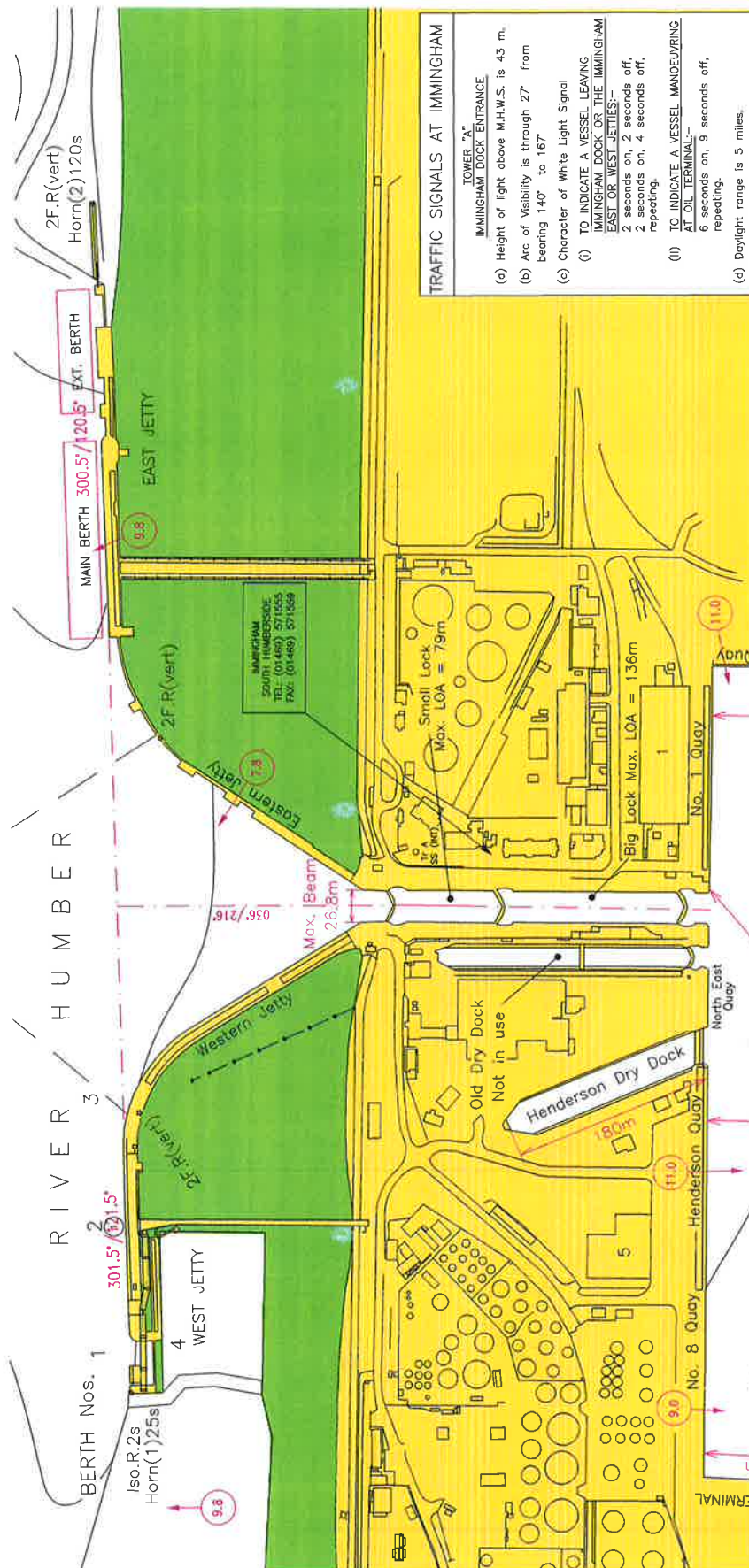
The lessons to be learned are:

- During critical stages of a ship's passage, in this case manoeuvring for Immingham Lock, the workload needs to be shared amongst the full bridge team. It is not acceptable that the PEC holder or pilot take responsibility for almost the full workload, resulting in overload and, in this case, a near miss which could have been much worse.
- Members of the bridge team should be tasked to take an active part in the pilotage passage, a challenge and response culture is the proven way for safe and efficient bridge operations.
- Checklists should be used on board vessels to help make sure all procedures have been carried out correctly and, in this case, that the green/white/green signal for entry into Immingham are indeed showing and specific orders for entry have been received from the Dock Master.
- Visual lookout should be maintained until the vessel is safely in the lock.
- Outward bound vessels are reminded that the use of a whistle signal as per the Humber Navigational Byelaws 1990 (23) will alert the other craft of your imminent departure from the lock, even when not visible to them **[GNTP 04/06]**

TURNING SHORT ROUND OFF THE I.O.T.

In a recent incident a vessel from up river bound for Immingham Dock on the ebb tide was swung to stbd in the vicinity of No. 11 buoy. She was overcome by the tide and set quickly down towards the IOT. Unfortunately her port quarter made contact with the bulbous bow of a moored tanker on IOT No. 1. Prior to the swing the pilot had made VHF contact with a ferry inwards bound for the IOH and agreed a green to green passing, expecting to pass in the vicinity of No. 11 buoy. This was a flawed plan especially given the direction and strength of the tide.

Turning short round towards the IOT, especially on the ebb, except for the purposes of berthing or to avoid collision, should be avoided. Pilots are advised to carefully plan the swing for Immingham when approaching from up river on the ebb. If, due to traffic, it is not considered prudent to swing above the bell mouth, then vessels should continue past the IOT and swing when clear to do so downstream of the jetties. **[GNTP 16/08]**



Immingham East Jetty

OPERATOR	ABP	01469-570506
VHF	19 68 71 73	
MAX. VESSEL	Length 213m	Beam Draft 10.36m
ARRIVAL	Flood	HW - 5hrs to HW, set off jetty. Swing off the bellmouth and make a standard approach. If southerly wind, consider dredging an anchor.
	Ebb	HW to HW - 5hrs set onto jetty. Watch out for the strong set on to the A1 Dolphin. Standard approach, however water shoals off Eastern end so do not approach the end at too shallow an angle. May be some cushioning affect from mud behind when exposed.
DEPARTURE	Ebb	If head East, single up to fore spring and Breast aft to control stern. Spring off and back into tide. Once clear of berth proceed out. Do not come round too soon as the tide sets onto the berth. Unless the vessel is extremely manoeuvrable and then with caution, wait until first of flood. In all cases have the starboard anchor ready. If head west, spring off aft and steam upriver before turning. May need to wait for tide to ease rather than leave mid-ebb (set onto jetty rapidly).
	Flood	If head East. Single up to headline and springline aft. Use the spring to angle of the jetty. Once clear steam away from jetty. Flood tide will set the vessel off. If head West. Single up to springline fwd. As the vessel sets off the berth use astern movement to clear the berth. Once clear proceed to a safe position before swinging.
CHART	Stallingborough to Skitter Haven - Immingham Roads Examination Stallingborough to Skitter Haven - Annual Survey	
Notes	Be aware of shallow water close to E. jetty and do not get south of line to the bargehole. Pilots should not proceed to vessels on either the East or West jetties without the permission of the jetty operator. It is incumbent on all pilots to report to the Tower, Immingham prior to proceeding to either the East or West Jetty. They will make	

contact with the jetty operator for confirmation that it is safe for the pilot to proceed and board the vessel.

EAST AND WEST JETTIES

High Water Arrivals

Tidally Restricted Vessel can be berthed in the period *HW -1.5 hours up to HW +1.5 hours.*

Low Water Arrivals

Tidally Restricted Vessel can be berthed in the period *LW -1.5 hours up to LW +1.5 hours.*

High Water Sailings

Head West Tidally Restricted Vessel can be sailed in the period *HW -1.5 hours up to HW +0.5 hours.*

Head East Tidally Restricted Vessel can be sailed in the period *HW -1.5 hours up to HW +0.5 hours.*

TUG REQUIREMENTS

Tug provision for the Port of Immingham is by several private companies.

The master through the ship's agent should normally order tugs. Immingham Docks or pilots will assist with the ordering if required. The master must state which towage company is preferred. Details of towage companies and tugs can be found on the following link:-

<http://www.humber.com/Estuary-Information/Navigating-the-Estuary/Ship-Towage-Tugs/index.asp>

or in the General Notice to Pilots/PEC's No 2 of each year.

Tidally Restricted Vessels up to 160m LOA and/or 8m draft are recommended to use 2 tugs for arrival and sailing. Pilots should consider having the aft tug fast.

Tidally Restricted Vessels over 160m LOA and/or 8m draft, in addition to the tugs above will be required to take a pusher tug. One of the wire tugs should be a Class 'A' tug.

PPV Vessels

Berthing Minimum 3 Class C (BP 90T), two to meet vessel at Sunk Spit.

Sailing Minimum 2 Class C (BP 60T).

Tugs must be ordered in sufficient time to be penned out of Immingham to attend the vessel as it leaves the SDC. When tugs are ordered out of Immingham Dock for a PPV, then the order should confirm tug usage as regards PPV traffic. The Duty ADM must give tugs for PPV traffic suitable priority.

Inward vessels should be met by tugs below the IOT and outward at least one tug should accompany the vessel until clear of IOT.

Tug Classification

Class A	50t bollard pull and above
Class B	40 - 50t
Class C	30 - 40t
Class D	25 - 30t

All vessels inward that require a tug or tugs to berth at Immingham E/W jetties must reduce their speed and complete making tugs fast before the vessel passes No 10 Upper Burcom Buoy - SH 34 - 2011.

A fire tug is on immediate notice, external to the Dock, to assist any vessel in unforeseen difficulties in the Immingham area; this is generally limited to a machinery failure.

The above tug requirements may be varied following declaration of suitable additional manoeuvring equipment such as multiple propellers, rudders, and thrusters units. Pilotage assessments will be used to make informed decision on varying tug requirements.

Masters and pilots are reminded that tug requirements vary greatly depending on the weather and tidal pattern. The Duty Assistant Dock Masters may recommend tug usage and masters and pilots should heed the advice provided.

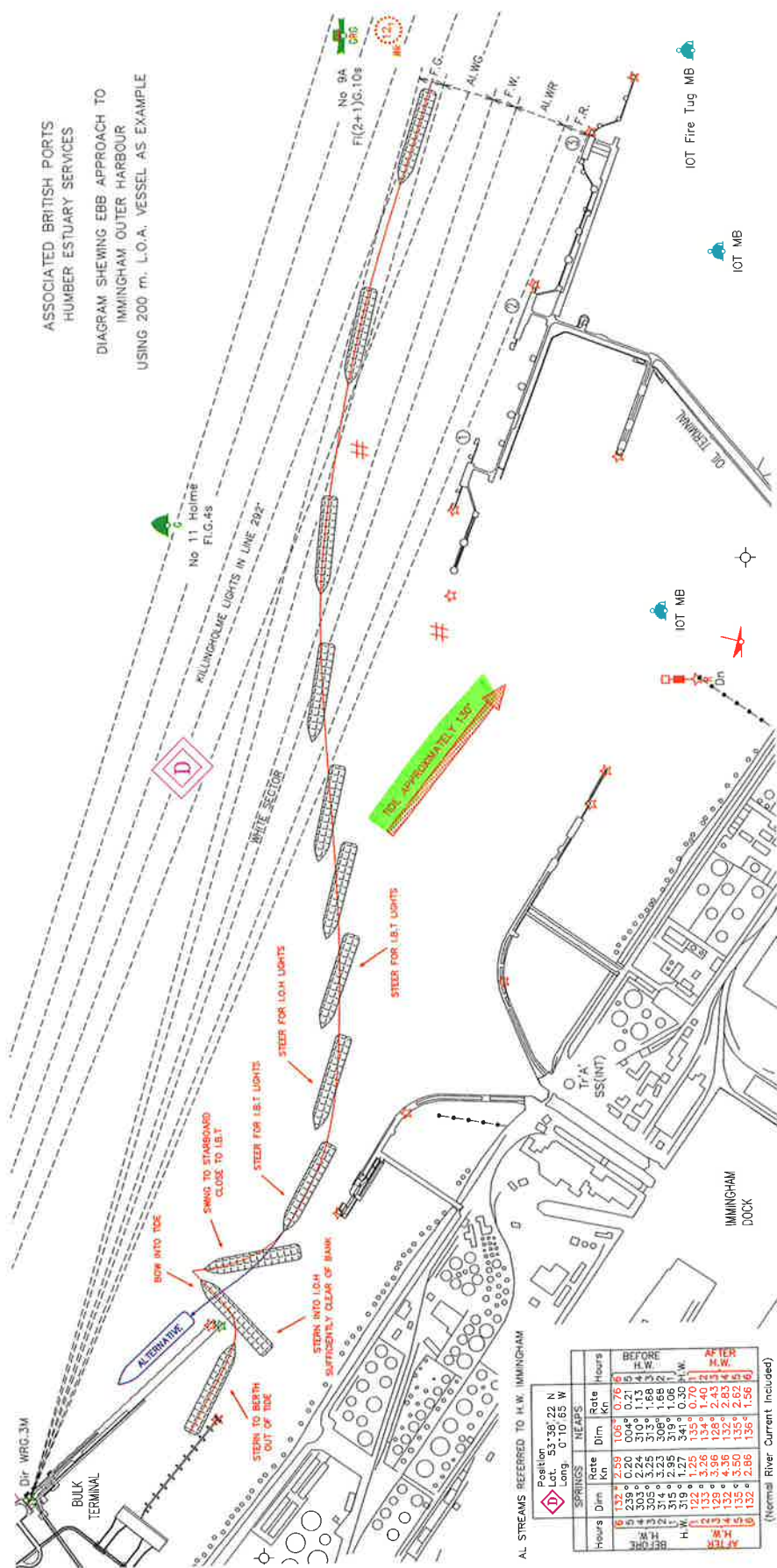
In the event of the possibility of a serious incident, the Duty Assistant Dock Master can require a vessel to take tugs as a special direction.

STANDARD BERTHING INSTRUCTIONS

Vessels will normally berth head to tide, however vessels can berth either side too, to suit operational requirements of the jetty operators.

Berthing positions will be planned to allow a minimum safety separation between vessels. To be able to plan berthing, vessel agents may be requested to provide to Length overall and bow to centre manifold length.

Vessels will normally be berthed with their working manifold close to the shore working manifold as all connections are with flexible hoses.



From: Kell Robdrup
Sent: Monday, August 29, 2022 5:47 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: Immingham Eastern Terminal
Importance: High

Dear Henrik,
Attached please find letter addressed to you, stating our concerns regarding the Eastern Terminal project.
Attached to this e-mail please also find letters which has been sent to your employees specifying the more technical details of our concerns.

It is our objective to secure that the project is handled correctly, thereby, securing a safe operation for all the users of the Port Immingham securing a safe and smooth operation for all involved and affected by the project.

Best regards.

Kell

Best regards / Med venlig hilsen

Kell Robdrup
Senior Vice President



DFDS A/S
Marmorvej 18
2100 Copenhagen Ø
Denmark

M: [REDACTED]
D: [REDACTED]

[REDACTED]
dfds.com [Facebook](#)

Associated British Ports
Att: Mr. Henrik Pedersen
25 Bedford Street
London WC2E 9ES
United Kingdom

Date: 29.08.2022

Dear Henrik,

Proposed Immingham Eastern Ro-Ro Terminal

I am writing to ensure that you are aware of DFDS's serious concerns about your company's approach to the proposal to build a roll on / roll off terminal at Immingham, known as the Immingham Eastern Ro-Ro Terminal.

I am sure you will recognise that during our long and collaborative relationship with ABP Humber, DFDS's commitment to safety extends beyond our own vessels to ensure the continued safe navigation in the areas in which we operate.

It is DFDS' and other major port users view that adding this facility to an already congested port will cause unacceptable risks to navigational safety, and commercially damaging river and road congestion. Navigational safety is clearly of critical interest to all users of the Port of Immingham as a serious incident in the immediate vicinity of the port has the potential to stop all operations at the port which would have significant adverse consequences for DFDS. We consider that the current proposals and the process being followed, for a project located in the most sensitive area of the Port of Immingham, have some very material risks associated with them.

In particular we (and other major Immingham port users) are alarmed at the seemingly haphazard process that has been followed thus far. We are extremely worried about the of lack of recognition of the potential navigational risks and at the assessment process being followed to quantify these risks. This has consistently resulted in the downplaying and masking of the risks which we are concerned that the project will cause.

ABP Mer have chosen not to use recognised marine risk assessment tools in its analysis. It is our view that the simulations that have been undertaken are completely inadequate as the tidal model used is at odds with Humber Estuary Services own training manual.

Of greatest concern is the admission by ABP in the Hazid workshop for consultees that the statutory duty-holder ie ABP, will decide whether the risk is tolerable based on the verbal risk decisions. This transforms what ought to be, and was to some extent, a largely objective and collaborative process into one that is entirely subjective and in the control of the applicant for the project.

The credibility of the process is further compromised by the constantly changing design plans often at short notice which leaves consultees confused and unable to understand which design and system of construction the project team are proposing.

If allowed to continue in this chaotic form the process will inevitably be heavily criticised as not fit for purpose during the examination stage. But more importantly, it will also result in a new facility which, if approved, is based on flawed assumptions and process and which will pose a material risk to the Immingham Oil Terminal and the Eastern Jetty. An incident affecting either of these facilities has the potential to cause major safety issues (including risk to port users and employees), serious environmental damage and closure of the Port of Immingham for a considerable period.

I enclose correspondence that we have sent to your colleagues at Immingham that sets out our concerns in more technical detail.

The Port of Immingham is rightly recognised as one of the UK's most important trading gateways and its safe operation is crucial to supporting the UK's economy. Given our common commitments to ensure a safe passage for the port's shared customers, I would ask you to urge your colleagues to reconsider their approach to this process which we believe in its current form is untenable.

Given the potential issues involved in this project, I am sure that you have oversight of the key points arising on this project and would therefore appreciate your personal attention to the issues raised in the letter.

[REDACTED]
Best regards

DFDS/RS
[REDACTED]

Kell Robdrup
Senior Vice President



29th of August 2022

Captain Andrew Firman
Harbour Master
Associated British Ports, Humber
Dock Office, Immingham dock,
NE Lincolnshire DN40 2LZ
United Kingdom

DFDS A/S
Marmorvej 18
2100 Copenhagen E
Denmark
T: +45 3342 3342
www.dfds.com

Proposed Immingham Eastern Ro-Ro Terminal

Dear Captain Firman

I write on behalf of DFDS Seaways Plc (**DFDS**). We are contacting you in your statutory role as Harbour Master (Humber).

As you are aware I recently attended the third HAZID workshop convened to consider the navigational risks arising from the IERRT development. Our marine consultant, Graham Bishop and I shared many of your concerns regarding the dangers of constructing a RO-RO terminal so close to a nationally significant oil terminal and hazardous chemical berth given the density of traffic, strength and direction of the tide in this area and frequent strong winds.

You shared our view that the tidal model used in the simulations HR Wallingford disseminated looked at odds with previously published Humber Estuary Services (HES) training material and Notices to PECs & Pilots (attached). It was also very clear in the meeting that the attending PEC holders also shared our view that the simulated tide was incorrect.

We understand the data was principally taken from a single AWAC buoy so believe the buoy may possibly have been faulty, the dataset corrupt or that the single position chosen for the survey was insufficient. It is certainly unusual in our experience to use a single survey site for collecting data for such a major project.

Additionally, the wind data used was taken from the Immingham MCC. I'm sure you will know from experience that the data from this anemometer is unreliable and consequently pilots and PEC holders traditionally use the Stone Creek anemometer to obtain an accurate wind force and direction.

We are concerned that our Jinling vessels were used in the simulations. This class of vessel was designed to cope with the difficult navigational complexities of Vlaardingen, rather than the Humber, which is why they are highly manoeuvrable, and in our opinion, not representative of the vessels that will visit the proposed terminal. Given you have access to the CLdN c240m models would it not have been prudent to attempt some of the simulations using this class of vessel to get a broader view of the potential difficulties of the berths, or better still, insist that the applicant or their client commission an accurate model of the vessels which they intend to operate on this terminal, as you did with DFDS?

We note that the simulation reports identify the need for 'Additional assessment' and recommended procedures and limits for all classes of vessel and a wider range of environmental conditions.' I'm sure you will agree that such 'Additional assessment' should be done prior to a HAZID workshop to inform the delegates fully of exactly how different vessel types would cope with such a complex manoeuvre. This would have allowed the limits to be pre-determined, and in any event a risk assessment cannot be viewed as complete until such critical information has been considered.

We also have substantial concerns regarding the NRA process in a number of key areas. It is our understanding that 'MarNIS' is your default marine risk assessment tool and has been widely used in the past to assess marine risk on the Humber. We are concerned that on this occasion ABP's marine consultants on this project, ABPmer, have chosen not to use this or any other recognised marine risk assessment tool. Why is that? Surely the use of a recognised and proven software solution would only demonstrate greater transparency in this process and guarantee greater objectivity?

The 'hybrid' methodology used in the risk assessment process is concerning as the applicant's consultants appear to have 'cherry-picked' portions of the OREI and IMO FSA systems to build a methodology that benefits their client. I am sure you will recognise that given this development lies fully within the Humber SHA using any of the offshore renewable energy methodology does not represent best practice and underplays the level of risk since the cost brackets are much higher for more expensive offshore wind infrastructure. Furthermore, the decision to avoid giving a risk rating to each scenario, instead opting to provide only a written description from which your Duty Holder will decide if the risk is tolerable, is highly irregular. I am advised that this would not be consistent with HES standard operating procedures so I am confident you will share our concerns.

In an attempt to demonstrate the inherent and unacceptable risk in this project, DFDS has carried out an analysis of several of the scenarios identified in the HAZID workshop and entered them into our HAZMAN II risk analysis software. The baseline risk is as high as 7.4 (using a 5x5 matrix) for some scenarios placing them well above ALARP and of serious concern especially given the subjective way in which the applicant is proposing to identify intolerable risks.

We are furthermore concerned that the workshop only considered 9 of the 25 risks that had been identified, and although we have agreed to consider the remainder through exchanges of emails this means that most of the risks will not get the same level of interactive scrutiny as those considered at the workshop. Since receiving the full NRA from ABPmer it has become apparent that serious risks involving the Immingham East Jetty have been overlooked.

The mitigations offered by the applicant seem heavily reliant on HES providing a 'robust training solution' to avoid the 'challenging' manoeuvring and 'mitigating the inherent risk' identified in the simulation reports. We would expect that such training programs are already in place given the complexity of the Humber Estuary and do therefore not see this as an 'additional' mitigation. If you are suggesting the need for extra 'specialist training' surely it would be impractical to expect all those with vessels using IERRT (and IOT) to have to undergo this?

Finally, the constantly changing plans the applicant has produced, many at very short notice, has made the whole process muddled leaving me and our marine representatives confused as to which design and system of construction the applicant is proposing. It is our opinion that the applicant should have made these decisions based upon the (correct) simulation reports and only proposed a HAZID workshop when the design and limitations of the berth had been finalised.

I am sure you will recognise DFDS has a long and collaborative relationship with HES and that our commitment to safety extends beyond our own vessels to ensure the continued safe navigation in the areas in which we operate.

We are of the opinion that this is a very high-risk development and trust that you, in your statutory role, will ensure the safety of navigation on the Humber is protected.

Yours sincerely

Jesper Hartvig Nielsen

Head of Ferry Operations, Equipment Centre & Terminal Excellence

DFDS A/S

From: Henrik Pedersen <[REDACTED]>
Sent: Tuesday, August 30, 2022 9:38 AM
To: Kell Robdrup <[REDACTED]>
Cc: Simon Bird <[REDACTED]>
Subject: [EXTERNAL] RE: Immingham Eastern Terminal

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Kell,

I acknowledge receipt of your letter, and I will revert accordingly.

Regards,

Henrik L. Pedersen | CEO | Associated British Ports

25 Bedford Street | London | WC2E 9ES

Tel: [REDACTED] | Mob: [REDACTED] | www.abports.co.uk

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Andrew

I've just received the briefing note (attached) which will be released later this morning.

Once you've had time to digest, please feel free to contact me in the first instance if you have any questions.

It's a very exciting scheme and hopefully the first step in a major energy transition for the region.

Best regards

Chris

Chris Bowlas | Head of Commercial (Humber) | Associated British Ports

Dock Office | Immingham Dock | DN40 2LZ
Mob: [REDACTED] | www.abports.co.uk

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www.humber.com/Pilotage_and_Charges/ABP_Commercial_Port_Tariffs/

From: Chris Bowlas
Sent: 30 August 2022 08:33
To: Andrew Byrne <[REDACTED]>
Subject: RE: [EXTERNAL] New project announcement - FYI

Hi Andrew

Apologies for any confusion. This is the new project that was presented at the start of the IEERT day 1 introduction which is a new deep water liquid bulk berth aligned with and to the East of the existing IOT. A very high level sketch was shown at the HAZID.

Once the announcement is made, please let me know if you would like to meet to discuss.

Best regards

Chris

From: Andrew Byrne <[REDACTED]>

Sent: 25 August 2022 11:13

To: Chris Bowlas <[REDACTED]>

Subject: RE: [EXTERNAL] New project announcement - FYI

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Hi Chris

Is this the new pier for APT vessels? If so we don't need a separate session, although I am keen to understand I ABP feel this is a material change to the existing IERRT project and will be consulting on this, or are you treating this as a separate project not linked to IERRT?

Thanks

Andrew

From: Chris Bowlas <[REDACTED]>

Sent: 24 August 2022 12:18

To: Andrew Byrne <[REDACTED]>

Subject: [EXTERNAL] New project announcement - FYI

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Hi Andrew

I just wanted to let you know that there will be a formal announcement next week, Tuesday 30th August, regarding the potential new project to the east of IOT. When we met, I mentioned it then and I understand a schematic was also shown at the HAZID workshop so there shouldn't be any real surprise.

Once the announcement is made and it's in the public domain, please let me know if you would like me to arrange a session with the project team who can explain the concept in more detail.

Best regards

Chris

Chris Bowlas | Head of Commercial (Humber) | Associated British Ports

Dock Office | Immingham Dock | DN40 2LZ

Mob: [REDACTED] | www.abports.co.uk

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BRIDSON Rebecca

From: Jesper Hartvig Nielsen <[REDACTED]>
Sent: 30 August 2022 05:51
To: Oliver Peat
Cc: Tom Jaynes; Timothy Aldridge; [REDACTED]
Subject: FW: Letter to ABP
Attachments: Notices to PEC and Pilots.pdf; Training material.pdf; Letter to Oliver Peat 29-08-2022.pdf; New risk.xlsx

Good morning Oliver,

Have now also included the new Risks we have identified in excel for your convenience.

Wish you all a great day.

Best regards / Med venlig hilsen

Jesper Hartvig Nielsen

From: Jesper Hartvig Nielsen
Sent: 29. august 2022 17:26
To: 'Oliver Peat' <[REDACTED]>
Cc: 'Tom Jaynes' <[REDACTED]>; 'Timothy Aldridge' <[REDACTED]>; [REDACTED] <[REDACTED]>
Subject: RE: Letter to ABP

Dear Oliver,

I forgot to include the attachments referred to in the letter.

For sake of good order I have also included the letter once again.

Do apologies for the inconvenience caused.

Best regards / Med venlig hilsen

Jesper Hartvig Nielsen

From: Jesper Hartvig Nielsen
Sent: 29. august 2022 16:15
To: Oliver Peat [REDACTED]
Cc: Tom Jaynes <[REDACTED]>; Timothy Aldridge <[REDACTED]>
Subject: Letter to ABP

Dear Oliver,

Referring to the HAZID workshop two weeks ago and our email correspondence thereafter, kindly find our written reply attached to this mail.

Wish you all a great evening.

Best regards / Med venlig hilsen

Captain
Jesper Hartvig Nielsen
Head of ferry operations,
Equipment Center & Terminal Excellence
Fleet management



DFDS A/S
Marmorvej 18
2100 Copenhagen Ø
Denmark

M: [REDACTED]
T: [REDACTED]



www.dfds.com



Hazard Category	Allision	Hazard Scenario Title	RoRo arriving to new Ro-Ro terminal berth 2-3 and have an allision with tanker berthed during cargo operation on eastern jetty.			Risk ID	O11		
Embedded Controls	Control	Comment	Worst Credible Scenario	Likelihood	Consequence	Most Likely Scenario	Likelihood	Consequence	
			RoRo makes contact with berthed tanker resulting in a significant allision that punctures the tanker's double hull leading to a tier 3 pollution event with release of toxic chemical. That could cause major risk to life and environment both short and long term. Incident results in multiple fatalities, sever damages to both vessels and berth infrastructure for an amount greater then 8M. Negative international news that significantly affects the ports reputation and port operations.	Possible	People	5	Likely	People	5
		Property			5	Property		3	
		Planet			5	Planet		5	
		Port			5	Port		5	

Likelihood Reduction	Consequence Reduction	Comment	Future Worst Credible Likelihood	Future Worst Credible Consequence	Future Most Likely Likelihood	Future Most Likely Consequence
				People		People
				Property		Property
				Planet		Planet
				Port		Port

Hazard Category	Allision	Hazard Scenario Title	RoRo proceeding from new Ro-Ro terminal berth 2-3 and have an allision with tanker berthed and during cargo operation on eastern jetty.			Risk ID	O12		
Embedded Controls	Control	Comment	Worst Credible Scenario	Likelihood	Consequence	Most Likely Scenario	Likelihood	Consequence	
			RoRo makes contact with berthed tanker resulting in a significant allision that punctures the tanker's double hull leading to a tier 3 pollution event with release of toxic chemical and removes the vessel from the berth. That could cause major risk to life and environment both short and long term. Incident results in multiple fatalities, sever damages to both vessels and berth infrastructure for an amount greater then 8M. Negative international news that significantly affects the ports reputation and port operations.	Possible	People	5	Likely	People	5
		Property			5	Property		2	
		Planet			5	Planet		5	
		Port			5	Port		5	

Likelihood Reduction	Consequence Reduction	Comment	Future Worst Credible Likelihood	Future Worst Credible Consequence	Future Most Likely Likelihood	Future Most Likely Consequence
				People		People
				Property		Property
				Planet		Planet
				Port		Port

From: Harry Aitchison <[REDACTED]>
Sent: 31. august 2022 17:32
To: Jesper Hartvig Nielsen <[REDACTED]>
Cc: Tom Jeynes <[REDACTED]>; Timothy Aldridge <[REDACTED]>; Oliver Peat
[REDACTED]
Subject: [EXTERNAL] RE: Letter to ABP

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Good afternoon Jesper,

Thank you for your response and the newly identified risks O11 and O12. I have noted, however, that both of these new risks are allusions with a Ro-Ro either arriving or departing berths 2 or . Would you be satisfied that these two risks be combined into one risk O11 similar to that of O1 for the finger Pier? Please see attached the combination of your identified risks.

I have noted in addition that you have not included any embedded Controls. Are you happy for us to pre-populate before releasing to the wider stakeholder group for consultation? On reviewing the likelihood factors of both the worst credible and most likely scenarios we are of the view that these are in fact unrealistic, and on reflection should be viewed as being similar to that of O1 discussed at the workshop.

The attachment includes the combined risk and changes to what we feel is more credible highlighted in red text. Additionally we have populated those embedded controls and further applicable controls as discussed in the workshop which we feel are applicable to this risk (also highlighted in red). Please let us know if this satisfies your inclusion of the additional risks.

In closing, I should also thank you for your letter dated 29 August 2022. We will be providing a formal response in due course.

Kind regards

Harry

Harry Aitchison | Maritime Consultant | ABPmer

Quayside Suite | Medina Chambers | Town Quay | Southampton | SO14 2AQ

DD: [REDACTED] | Tel: [REDACTED] | M: [REDACTED]

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From: Harry Aitchison <[REDACTED]>
Sent: 2. september 2022 12:43
Cc: Timothy Aldridge <[REDACTED]>
Subject: [EXTERNAL] HAZID Post workshop consultation

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Good morning,

Thank you very much for reviewing the HazLog scenarios following the workshop on the 16- 17 August. For those who have returned changes to the current hazard scenarios, these have been included. For areas where difference of opinion between stakeholders are evident this has been discussed and updated in reflection of both views. All changes within the HazLog can be identified by red text.

As discussed at the HAZID workshop there would be a two week period to review the final HazLog.

The deadline for this correspondence will be in two weeks(Friday, 16 Sep 22).

Please let me know if you should have any questions.

Kind regards,

Harry Aitchison | Maritime Consultant | ABPmer
Quayside Suite | Medina Chambers | Town Quay | Southampton | SO14 2AQ
DD: [REDACTED] | Tel: [REDACTED] | M: [REDACTED]
Email: [REDACTED] | Web: www.abpmer.co.uk | www.portriskmanagement.com

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Good Afternoon Harry,

I am contacting you with feedback on the recently circulated NRA for the IERRT development. In general terms DFDS continues to have issues with the process you have chosen to follow, the rushed nature of the risk assessment process and the continued lack of transparency. At this point we still await a response to the concerns expressed in our letter of 29th August so, although we are keen to continue to engage with this process, in the absence of the clarifications requested in our letter, we are unable to comment fully on the HAZLOG in its current state. Pending your response, we can, however, discuss a few general points regarding the risk involved in this development and seek some further clarity concerning your reasoning.

I am concerned that you have chosen to combine the risks associated with berthing and departure from the terminal into a single risk, effectively combining scenarios O11 and O12 into a single event. At the HAZID workshop we did discuss combining similar risks for the finger pier, however after giving this some thought and drawing on my background as a professional mariner, I know from experience that the risks posed by both are not the same. When departing a berth the pilot, PEC and master are moving from a position of safety and as such are in a better position to evaluate the risks involved and if necessary delay or cancel any manoeuvre. However when arriving at a berth you do not have this luxury, making dynamic risk assessments, balancing a number of factors in an ever changing scenario. This opinion has been confirmed through discussions with my Humber PEC holders and is also borne out in the accident statistics. It is therefore the belief of DFDS that given the proximity of the terminal to the east jetty, the operations of berthing and departure be taken as separate risks.

I think we can agree that any development in an already congested area that increases traffic density will, by simple mathematics, increase the likelihood of an incident occurring. I would like to understand how you are deciding upon the likelihood of an incident occurring? There have been multiple allisions and collisions in the Immingham area over the years, where I can name a few for your attention, such as:

2000: 28000DWT Cargo Vessel Xuchanghai collided with the Aframax shuttle oil tanker Aberdeen berthed on IOT 1

2002: 35000DWT Cargo Vessel BOHINJ on passage to Immingham Dock collides with IOT 1

2003: Ferry Stena Gothica holes herself following collision with Eastern jetty and sinks in Immingham lock

2010: Coaster Fast Anne collides with IOT jetty stem

2015: Coaster Fast Fillip collides with tanker berthed at IOT 1

All of these had the potential to lead to far larger catastrophes but luckily circumstances worked out differently. Your strategy of building a busy terminal so close to two existing high risk berths, must by it's very nature, also increase the likelihood of further serious incidents.

The above data demonstrates 5 serious incidents over a 15 year period all happened in Immingham. These all detail vessels losing control, for varying reasons, contacting jetties and quaysides or suffering allision with berthed vessels.

If we increase the time frame to 50 years to match the expected life span of the development then, in Immingham it is possible that we can expect 16 major incidents over the lifespan of the development.

Obviously this is not a scientific study but it is enough for us to believe that by using your two frequency descriptions:

The impact of the risk or hazard could very well occur within the lifetime of the entity without mitigation - "Possible"

It is quite likely that the impact of the risk or hazard will occur throughout the lifespan of the entity without mitigation - "Likely"

"Likely" is a more accurate fit.

In regards to your mail Friday the 2nd of September, where you ask us to review the final HAZLOG, I find that impossible due to the fact that you have not replied to any of our comments in our letter from Monday the 29th of August where we have raised a number of concerns and issues, which we see are still being incorporated in the final HAZLOG without any explanation whatsoever.

To date we have tried to comply with your tight timeline but your continued inability to respond to our correspondence in a timely manner is now compromising our ability to participate effectively. As stated in our letter of 29th of August, DFDS continues to be committed to working with ABP on this critical process, however as you have not given us any trust in ensuring that our concerns are addressed appropriately to ensure the safety of navigation on the Humber is protected, we cannot comment the final HAZLOG before our concerns and issues have been properly dealt with.

As a last comment may I remind you that at the HAZID workshop it was stipulated by ABPmer, that if there were disagreement on the scoring by the stakeholders, the most conservative scoring should remain, therefore I find your comment "For areas where difference of opinion between stakeholders are evident this has been discussed and updated in reflection of both views" a bit surprising as some of our comments reflect a more conservative opinion than the one issued by you. Why have you chosen to disregard this ethos in favour of downgrading the risk and ignoring our input?

Looking forward to receiving your response to our letter of 29th of August to enable us to respond in a comprehensive manner.

Best regards / Med venlig hilsen

Jesper Hartvig Nielsen

From: Harry Aitchison <[REDACTED]>
Sent: 31. august 2022 17:32
To: Jesper Hartvig Nielsen <[REDACTED]>
Cc: Tom Jeynes <[REDACTED]>; Timothy Aldridge <[REDACTED]>; Oliver Peat <[REDACTED]>
Subject: [EXTERNAL] RE: Letter to ABP

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Good afternoon Jesper,

Thank you for your response and the newly identified risks O11 and O12. I have noted, however, that both of these new risks are allisions with a Ro-Ro either arriving or departing berths 2 or . Would you be satisfied that these two risks be combined into one risk O11 similar to that of O1 for the finger Pier? Please see attached the combination of your identified risks.

I have noted in addition that you have not included any embedded Controls. Are you happy for

us to pre-populate before releasing to the wider stakeholder group for consultation? On reviewing the likelihood factors of both the worst credible and most likely scenarios we are of the view that these are in fact unrealistic, and on reflection should be viewed as being similar to that of O1 discussed at the workshop.

The attachment includes the combined risk and changes to what we feel is more credible highlighted in red text. Additionally we have populated those embedded controls and further applicable controls as discussed in the workshop which we feel are applicable to this risk (also highlighted in red). Please let us know if this satisfies your inclusion of the additional risks.

In closing, I should also thank you for your letter dated 29 August 2022. We will be providing a formal response in due course.

Kind regards

Harry

Harry Aitchison | Maritime Consultant | ABPmer

Quayside Suite | Medina Chambers | Town Quay | Southampton | SO14 2AQ

DD: [REDACTED] | Tel: [REDACTED] | M: [REDACTED]

Email: [REDACTED] | Web: www.abpmer.co.uk | www.portriskmanagement.com

From: Oliver Peat <[REDACTED]>
Sent: 7. september 2022 17:28
To: Jesper Hartvig Nielsen <[REDACTED]>
Cc: Tom Jeynes <[REDACTED]>; Timothy Aldridge <[REDACTED]>; Harry Aitchison <[REDACTED]>
Subject: [EXTERNAL] RE: Letter to ABP

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Good afternoon Jesper,

I wanted to just write to you to assure you that ABP are currently reviewing your recent correspondence and will respond to you in due course, we want to ensure that we have reviewed your concerns thoroughly and give you a full and concise response to all those raised.

I will be in touch further in due course.

Regards,

Oliver Peat | Development Project Manager | Associated British Ports

2nd Floor | 25 Bedford Street | WC2E 9ES

Mob: [REDACTED] | www.abports.co.uk



Captain Jesper Hartvig Nielsen
Head of ferry operations,
Equipment Center & Terminal Excellence
Fleet management
DFDS A/S
Marmorvej 18
2100 Copenhagen
Denmark

23 September 2022

Ref: response to DFDS letter dated 29 August 2022

Dear Jesper,

Immingham Eastern Ro-Ro Terminal (IEERT)

Thank you for attending and participating in the Hazard Identification (HAZID) workshop held on 16 and 17 August. Whilst the risk assessment process is still ongoing, we thought it would be helpful if we responded to the points that you have raised in your letter of 29 August.

Thank you also for your recognition that we have adopted a collaborative approach for the recent Workshop – that had always been our intention and we are sorry that you felt the previous Workshops fell short of your expectations.

Turning to your letter, we recognise that DFDS still have a number of concerns and we hope the commentary provided below will go some way to resolving these concerns and help clarify what appear to be a number of misunderstandings.

Supporting Studies: In the first few paragraphs of your letter, you raise concerns regarding the tidal model used, the data taken from the AWAC buoy and the wind data.

The supporting studies, including the Bridge Simulation studies, were shared with all the invited stakeholders prior to the Workshop. HR Wallingford, who are an entirely independent and world-renowned specialist maritime consultancy, explained at the Workshop that the simulations were underpinned by a thoroughly tested and accurate hydrodynamic model. We can confirm that the efficacy of the model was demonstrated by the fact that it replicated the direction of flow that was both anticipated and expected by many of the operators in the room in selected locations in the outer harbour. It is the view of our independent specialist advisors that the hydrodynamic data within the vicinity of the scheme and which underpins the simulation exercise, were within the limits of expected flow directions and speeds of experienced Pilots and PECs.

Pilotage and Berthing: we do not agree that the “tidal model used in the simulations HR Wallingford disseminated looked at odds with previously published Humber Estuary Services (HES) training material and Notices to PECs and Pilots”. The Notice to Pilots (NO.21/2004) does mention

manoeuvres at the finger pier, but as performed within the HR Wallingford simulations it was evident that such manoeuvres, both on and off the finger Pier can continue to be completed safely with the IERRT infrastructure in place. In addition, the “Pilot Manual September 11v3_Pilot Handbook 2008” also describes specific manoeuvres on and off the IOT. It is not advisable to draw comparisons between current HES training material and guidance published to assist marine navigation at that part of the Port without IERRT with simulations undertaken when IERRT will be in place.

We confirm that any updates required to be made by HES to reflect the existence of the IERRT project will be made prior to the planned facility being operational to ensure safe navigation continues in proximity of the IOT.

In addition to the existing manoeuvres set out in the available HES documents there is also reference to the currently understood flows in the vicinity of the outer harbour. The proposed angle of the berth is based on the targeted survey data collected for the IERRT project, the assessment of which is discussed in more detail below. As with the alterations to manoeuvres within the handbook, should there need to be any alterations and additions required to the HES Manual as a result of the greater understanding of the flows in this area of the port this will be instigated by HES prior to operation of the proposed IERRT berths.

AWAC buoy information

We are not clear what has led you to understand that the AWAC buoy “*may possibly have been faulty*”. The AWAC survey data has been subject to a thorough quality assurance process. The data was collected from a bed mounted AWAC device, which was positioned within 200 metres of the IERRT project location. This approach (bespoke data, collected from the project site and covering a duration sufficient to capture both typical and more extreme events) is considered best practice and provides a robust understanding of local flows. This ensures that the subsequent numerical modelling accurately replicates the local hydrodynamic conditions.

The quality assurance of the data has also included a comparison with local additional measured data sources (across the wider Humber). The 3D hydrodynamic model that has been developed by HR Wallingford to inform the ship simulation studies accurately represents the data collected, both local to the IERRT site and across the wider study area. Of particular note is the fact that whilst many other studies are typically conducted utilising 2D models, HR Wallingford have developed a 3D hydrodynamic model for the IERRT project. This demonstrates the additional consideration that is being given to ensure that the HAZID exercise and navigation simulations use the best available data and modelling methods given the complex nature of the flows in this area of the estuary.

We can also confirm that the HR Wallingford model used for this project has been compared to ABPmer’s independently developed model of the wider Humber Estuary and that both the ABPmer and HR Wallingford models provide independent comparable outputs.

During the Workshop HR Wallingford presented their reports and explained how their understanding of the flows in the area have developed between the initial simulations and the subsequent simulations. The findings of their revised approach are clearly set out in their RT004 and RT005 reports which have been provided to all stakeholders.

Wind data

The climate data, based on 12 months of observations downloaded from the anemometer, was used to provide guidance to the Simulation Team on the wind likely to be experienced by vessels

manoeuvring at Immingham. The data confirmed the experience of the pilots and operators involved in the simulation, in that the strongest and most challenging winds that will affect the proposed infrastructure are from either the north east or south west, with north westerly winds being potentially more squally. HES Humber confirmed that the anemometer at Immingham is fully functional and was for the period for which the data was downloaded (2020-2021).

The simulation study determined the maximum safe operating wind speed for the vessels; the climate data collected and analysed only influenced the wind directions that were tested. Following the initial review of the data from the anemometer, HR Wallingford use the worst-case scenario in the simulators which is in excess of any reading taken from the anemometer. The use of the Stone Creek anemometer was determined not to be comparable to Immingham due to its exposed position in comparison to Immingham and being in a completely different geographical location.

Simulations

You are correct to identify that the ship manoeuvring model represented a relatively manoeuvrable and powerful type of modern RoRo vessel. The simulation vessels were chosen based on advice from HES, and because they fulfilled ABP's clients' aspirations in terms of operating large modern RoRo vessels with similar characteristics at the terminal. It would not be appropriate to use the CLdN ship mentioned, as that was designed with specific requirements to suit the terminals from which it operates. It is acknowledged that other types of vessels may have different operating limitations, depending on their size and installed power. The IERRT berths are being designed for a 50 year lifespan and the vessels selected to operate on them during that time will be carefully selected and subject to further detailed operating procedures following in depth navigational simulations and approval of plans prior to operation.

Methodology

The Port Marine Safety Code (**PMSC**) and its accompanying Guide to Good Practice on Port Marine Operations (GtGP) have been used as the primary guidance to inform the approach to the NRA as the IERRT development will be located within a port environment. We have also, however, as you acknowledge, used relevant supporting processes from the Maritime and Coastguard Agency (MCA) Marine Guidance Note (MGN) 654 (M+F) and the Offshore Renewable Energy Installations (OREI) Safety Response in addition to its underpinning technical reference, the 'International Maritime Organization (IMO) Formal Safety Assessment'. This is the process that was set out in the PEIR submission for IERRT in January and agreed upon formally by the MCA when they responded to the IERRT scoping report last year. This was also subsequently discussed at length and presented at the start of the HAZID workshops and therefore we are surprised that you state you are not clear on the methodology being used.

The HAZID workshop was structured to gather information on marine and navigational hazards, through the collection of data that informs risk ranking through application of severity. In the workshop it was explained how risks in the HazLog would be ranked following the workshop based on all information received; this was also followed up with explanation through further correspondence. As requested within the workshop, the 5x5 matrix which displays risk severity categories was presented. This is a widely accepted and well tested methodology for conducting HAZID workshops and is in full accordance with the PMSC and its accompanying GtGP. The process of a HAZID workshop using Subject Matter Expert input to derive risk-based outcomes, followed by Navigational Risk Assessments and future risk controls has been used on multiple port-based NRAs,

including the Wylfa Newydd Nuclear Power Station DCO. We strongly refute any suggestion that the methodology has been 'cherry picked'.

Risk assessment tool

We do not agree with the assertion that "*ABPmer have chosen not to use any recognised marine assessment tool*". There are a number of risk assessment tools in use today, and ABPmer has chosen to use a transparent and fully open risk assessment tool which employs a process for risk assessment of marine navigation in a busy port environment. As mentioned above, ABPmer's methodology is based on the PMSC and its associated GtGP which together are the primary guidance for ports. In the context of a new port development, the methodology adopted must be entirely aligned to the UK National Standard for running a safe port marine operation. This guidance is detailed in the PMSC and its GtGP.

The methodology and Risk Assessment tools adopted for the IERRT project comply with all of the aforementioned guidance and policy.

Duty holder, descriptors and measure of ALARP

Your understanding of the role of the Duty Holder is incorrect and the role, far from being subjective as you suggest, is entirely one of objectivity. We apologise if this has resulted from an overly simplified explanation at the most recent HAZID workshop.

The project is within Immingham Harbour's Statutory Harbour Authority (SHA) port environment and is subject to independent audit by an external body for Port Marine Safety, with assurance provided by the Designated Person to the ABP Harbour Authority and Safety Board (**HASB**) as Duty Holder. The adjacent SHA (Humber Estuary Services) is an independent statutory entity and is also responsible under the PMSC, for operating to the national standard. Additionally, HES has responsibility as a Competent Pilotage Authority (CHA) for pilotage services within both SHAs. As stated in the PMSC the Duty Holders are "*accountable for safe and efficient marine operations*" (DfT, 2016) and therefore have ultimate responsibility for managing marine risk.

The degree to which potential adverse effects arising from any development can be tolerated – during both construction and consequent operation - will ultimately be defined by the HASB. The HASB is constituted specifically to review and consider issues of health and safety and marine compliance. It is the HASB which is the "Duty Holder" under the PMSC– thus ensuring continuity of responsibility regardless of change in personnel. Further, in compliance with the PMSC it is the HASB which is accountable for ensuring that risk has been properly assessed.

The HASB will be fully informed as to all of the potential hazards and risks identified and determined as part of the HAZID workshop exercise. The HASB will also be presented with such mitigation options as are considered relevant (as defined in the HAZ Logs), undertaking a Cost Benefit Analysis with a view to reducing the risk (for each hazard) to a tolerable level. The hazards will be assessed in terms of frequency and four consequence areas: property damage, environmental damage, business damage and casualties. The process of a Cost Benefit Analysis will meet the description of how 'ALARP' is met in the GtGP.

As well as the Duty Holder's responsibilities which fall to the HASB, both the Harbour Master and the Dock Master will have to be satisfied with the outcome of the HAZID Workshop and consequent NRA if they are to perform their statutory duties and obligations, which include, the safe navigation of vessels.

Mitigation

You mention in your letter the fact that we did raise the possibility of employing measures to mitigate any potential risk. That remains the case and any such measures will be reviewed with the Duty Holder in accordance with Section 4.3.24 of the GtGP -

“The degree of risk in a particular activity or environment can, however, be balanced on the following terms against the time, trouble, cost and physical difficulty of taking measures that avoid the risk. If these are so disproportionate to the risk that it would be unreasonable for the people concerned to incur them, they are not obliged to do so. The greater the risk, the more likely it is that it is reasonable to go to very substantial expense, trouble and invention to reduce it. But if the consequences and the extent of a risk are small, insistence on great expense would not be considered reasonable”. (DfT, 2018).

The conclusions from these assessments will be documented within the NRA report that will accompany the application for development, clearly defining the mitigation measures and controls to be adopted.

As far as a “robust training solution” is concerned it is correct that there are already comprehensive training programmes in place. These existing programmes do not take account of IERRT because IERRT has not yet been constructed. Additional controls and training programmes will be put in place for the new development and therefore constitute “additional mitigation” from the current baseline of controls.

Changes to project

It was certainly not our intention for you to be confused by the development process and we do not agree that you have been presented with “constantly changing plans”. Any amendments that have been made to the scheme have been minor and are a consequence of seeking to engage with key stakeholders early in the design process as part of the normal development iteration process.

A fortnight prior to the last HAZID Workshop the layout plans were issued to all attendees to ensure that all were aware of the proposals. During the Workshop introduction attendees were also taken through a lengthy explanation of the proposed construction sequencing, therefore ensuring that all attendees were clear regarding the project proposals prior to starting the HAZID workshop.

Overlooked risks

We strongly refute the statement that “serious risks involving the Immingham East Jetty have been overlooked”. The two-day HAZID workshop provided the opportunity for all stakeholders to understand and review the identified hazards, which were subsequently captured within a Hazard Log. Stakeholders were also given the opportunity to identify any additional hazards that they deemed significant.

During the Workshop, 10 of the 26 risk assessments were thoroughly reviewed and discussed with all attendees. Importantly, this review was undertaken in such a way that prioritised the hazards which the Workshop attendees perceived as being most important and likely to arise.

As you note, it was agreed by all of those present at the Workshop that the remainder of the risk assessments would be reviewed by stakeholders by email consultation. All of the responses received will be taken into consideration prior to circulation to everybody. The process is entirely and deliberately transparent.

Thank you for the two additional risk scenarios that you have identified, and we confirm that they will be assessed in the same manner as those discussed within the workshop.

We trust the above has provided clarity on a number of your points and we very much welcome your commitment to continue to work with us as we conclude this phase of the project. We would welcome the opportunity to meet to discuss any remaining concerns you may have if this would be helpful, please just advise and we can arrange a suitable time.

Yours sincerely,

Oliver Peat

ABP Development Manager – IEERT Project Lead

Mr Kell Robdrup
DFDS A/S
Marmorvej 18
DK-2100 Copenhagen

By email: [REDACTED]

Sept. 26, 2022

Dear Kell,

Proposed Immingham Eastern Ro-Ro Terminal

Thank you for your letter of 29 August 2022 in which you expressed your concerns regarding the consultation process for the proposed Eastern RoRo Terminal in Immingham. I am aware that your Captain Nielsen wrote directly to Oliver Peat, the project manager, also on 29 August, raising a number of detailed points particularly related to the HAZID workshop.

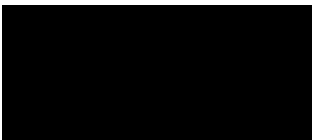
Firstly, let me re-assure you ABP is committed to an extensive and comprehensive consultation process with all relevant stakeholders associated with the proposed development. Issues will vary of course, but each will be addressed fully.

The project team will be responding in detail to each of the points raised by Captain Nielsen in his letter, and further meetings will be arranged in order to allay concerns. I am aware that Simon Bird is travelling to Copenhagen next week to meet with you, he will discuss our response to Captain Nielsen and update you on the programme.

I am confident we will reach agreement on the points you have raised, as we will with all stakeholders and proceed with the formal submission of the Development Consent Order to government. That process is quite transparent where the appointed inspector will take advice before making a decision on whether to approve or not. A similar process will be followed for the development of new berths and land for DFDS, where we hope also to reach agreement with any stakeholders who may have concerns and potentially object to the proposed development. I have asked Simon to discuss the programme with you next week also, he is leading this project within ABP.

Thank you once again for your letter

Sincerely,



Henrik L. Pedersen
CEO

Constituted under the Transport Act 1981. Reference No ZC000195



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Dear Jesper,

I hope all is well at your end. I joined ABP in May this year and whilst we haven't met, I did have a good catch up with your colleagues Andrew Byrne and Alan Finch in Immingham.

You may be aware that ABP's Regional Director Humber, Simon Bird, was out in Copenhagen last week visiting DFDS offices. During his meeting with Kell Robdrup it was suggested that we should convene a focussed marine meeting to cover specific issues relating to the Immingham East Ro-Ro Terminal (IERRT) Project.

I am available 9/10 October and, if it suited you, could travel out to Copenhagen to meet face to face.

Please let me know what might work for you.

Best regards,

Paul

Paul Bristowe | Head of Marine Humber | Associated British Ports

Mobile: [REDACTED] | www.abports.co.uk

"<http://www.abports.co.uk/content/files/assets/Icons/abp-email-footer-med.jpg>"

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Dear Oliver,

Immingham Eastern Ro-Ro Terminal (IERRT)

Thank you for your extensive letter of 23 September responding to our serious concerns regarding the IERRT development. We are aware of ABP's desire to submit a DCO application in the coming days and thought it only appropriate to provide a concise written response to your correspondence prior to this submission.

I am also aware that following a recent meeting between Simon Bird and Kell Robdrup that it is the intention for Andrew Firman and Paul Bristowe to travel to Copenhagen for a meeting to discuss the ongoing safety concerns DFDS has with the project. With this in mind I will copy both in on this communication and have highlighted some additional concerns we have at the end of the letter which Andrew and Paul may be able to help with when they visit Denmark.

To assist in addressing your letter I have followed your title nomenclature for sake of clarity.

Supporting Studies

We refute your claim that 'We can confirm that the efficacy of the model was demonstrated by the fact that it replicated the direction of flow that was both anticipated and expected by many of the operators in the room in selected locations in the outer harbour. It is the view of our independent specialist advisors that the hydrodynamic data within the vicinity of the scheme and which underpins the simulation exercise, were within the limits of expected flow directions and speeds of experienced Pilots and PECs.'

DFDS took extensive notes at the HAZID workshop which demonstrate the PEC holders present and even the Harbour Master disagreed with the direction of tidal flow in this area as indicated on your simulations. Indeed the pilots present at the HAZID workshop, who were involved in the simulations, were unable to counter our arguments regarding the tidal flow as upon inspection they had to agree the tide does look incorrect on the simulation analyses provided. There was absolutely no misunderstanding here in that the experts sat in the room, with decades of experience of manoeuvring on the Humber, simply do not accept the tidal model you have used. To ignore this reality based on data from a single set of AWAC readings, to continue in your insistence that your model is correct and your refusal to revisit the data is both bewildering and highly concerning. The extrapolation of a highly localised single dataset and projecting this on a wider area whilst ignoring the experience of the experts and previously published data seems neither prudent nor professional. Whilst we share your enthusiasm for modelling and simulation we trust in the 'real world' experience of highly skilled mariners and their professional opinion DOES NOT support your data.

We note your reliance on HR Wallingford supporting your statement that "the simulations were underpinned by a thoroughly tested and accurate hydrodynamic model". HR Wallingford have stated in report DJR6612-Rt002-R02-00 page 11 2.2.2 that the AWAC data supported their TELEMAC-MASCARET derived model. Once again given

the mariners present in the room felt, in their professional judgement, the tidal directions were wrong in the vicinity of the IOT (an assertion we supported at the HAZID meeting with a radar picture obtained that very morning on one of our vessels) that the tidal flows used in the simulations can simply NOT be relied upon.

Pilotage and Berthing

The supporting extracts from the training manual and notices were simply to demonstrate the direction of tide as previously indicated on HES official documentation rather than any comment on a particular manoeuvre.

We note from the latest HAZID Log disseminated by ABP that the applicant has now decided to relocate the IOT finger pier to the eastern side of the IOT trunkway. Maybe you could provide further details of this ambitious project?

AWAC Buoy Information

Having been involved in numerous terminal projects over the years we fail to agree that a single AWAC dataset represents 'best practice'. It is always prudent to have multiple datasets to protect against unforeseen failures in the data gathering equipment, unrepresentative data due to peculiarities of the location and unexpected interactions with localised anomalies. We would simply ask why, if the data is indeed correct, it looked wrong in the eyes of the professional mariners assembled in the room with their decades of experience on the Humber and in particular the Immingham area?

Wind Data

We do not suggest that the anemometer at Immingham was not fully operational, we do suggest however, that given its sheltered location it does not give a true reflection of the wind speed in the outer Immingham area. This is why the river users, including pilots and PECs routinely request the Stone Creek gauge.

Simulations

Whilst I appreciate you are not a mariner I must correct you on your claim that our Jinling class of vessel are 'relatively manoeuvrable'. These vessels are HIGHLY manoeuvrable and built to handle the unique challenges of Vlaardingen. They are simply not representative of the vessels Stena currently operate on the Humber and most likely the same vessels that will initially run to the IERRT. A prudent strategy in conducting these simulations would have been to try a number of different ship models to establish exactly what ships designs are suitable rather than selecting the best in class and basing your study on this.

Furthermore, you refer to the IERRT berths being designed for a 50 year lifespan. We are not sure what the relevance of the berth lifespan is. Irrespective of the berths lifespan, the vessels to be operated from those berths need to be safe from day 1, which means from the outset that they will need to be at least as manoeuvrable as the vessels used in the simulations – assuming those

simulations indicate that such vessels can operate safely, which we don't necessarily accept based on the simulations completed to date.

Methodology

It is the opinion of our experts that the mixed methodology chosen does not represent best practice but as it is clear we are not in agreement here we will await your formal submission to pursue this point further.

We would however take issue with your claim that the MCA endorsed your methodology. In their letter of 13 October 2021 there is no comment regarding the methodology to be used but merely a direction to consult both the Port Marine Safety Code (PMSC) and the Guide to Good Practice. I would refer you to section 4.3 of the GTGP which directly references the IMO methodology and makes no mention of the OREI methodology.

Risk Assessment Tool

As stated, we understand that ABP have previously used the MARNIS software for risk assessment on the Humber and indeed other ABP ports nationally. The use of a recognised and widely used software package for the NRA process gives an element of objectivity, independence and credibility that would also be consistent with how previous risk assessments have been conducted on the Humber.

We do not contest the validity of the two methodologies chosen by ABPmer but are of the opinion that the OREI methodology is not appropriate to a harbour area when the PMSC/IMO methodology is available. The precise methodology used is unclear due to combining the two which present risk in different ways (one quantitatively one qualitatively). We are also of the belief that using 'risk descriptions' can create unintended justification for an unsafe situation simply through the language used in the assessment rather than producing a risk score which can only be understood as intended.

Duty holder, descriptors and measure of ALARP

Again it appears we are at an impasse with regards to the independence of the process. The fact that the applicant is the parent company for both the marine consultancy company engaged in the project and the Harbour Authority for the area cannot be denied. Again we can address this point further at application stage.

Mitigation

Again we welcome your decision to 'move the IOT finger pier to the east side of the trunkway' and as previously stated await details of this project.

Changes to project

To date the project has

1. Had the orientation of the berth dramatically changed

2. Had the separation from the IOT finger pier changed
3. Had the number of berths changed from 4 to 3
4. Had the method of construction changed to construction/operation
5. It would now appear the IOT finger pier is to be moved as per the HAZID log you recently disseminated.

Given the above we stand by our assertion that we have been presented with “constantly changing plans”. It is also our opinion that these changes are not, as you suggest, “minor” but are clearly of a substantial nature that represent fundamental revisions to the IERRT design.

Overlooked Risks

Due to the unacceptable risk the proximity of the IOT finger pier presented it was obviously the focus of the risks we managed to address at the HAZID meeting however we still maintain that this meant the substantial risks of the East Jetty were not given time to be discussed, debated and reflected upon. Email consultation is never as valuable as having stakeholders together in a room.

Our Additional Concerns

As previously mentioned in order to facilitate a productive meeting with Andrew and Paul in Copenhagen we would also like to raise the following additional concerns we have.

Towage

In the simulation exercise conducted by HR Wallingford it was identified that specific tugs would be regularly required to assist in berthing vessels at the IERRT possessing both high power (\Rightarrow 60T BP) and of compact design (\leq 25m LOA). Given that there are only 2 tugs in each fleet servicing the Humber area with these specifications, what systems will be in place to ensure these tugs are always available to Stena vessels utilising the IERRT?

Tidal Changes

What studies have been conducted to evaluate the changes to tidal flow in the Immingham area and have these changes been simulated to assess the impact the changes may have to traffic using the other Immingham terminals and dock?

Simulations

Simon Bird indicated in his recent meeting with Kell Robdrup that ABP intends to repeat the simulations for IERRT with more appropriate vessel models. We would be keen to attend these simulations (as APT have previously done) in order to better understand the process and the ‘limits’ under which you propose they will be permitted to operate.

Lock Productivity

What impact will the IERRT have on the productivity of the lock given that IERRT traffic and dock traffic will not be able to operate simultaneously? Additionally, will tidal traffic to Immingham dock and outer jetties continue to receive the space and time needed to operate safely in the confines of the Immingham area?

We hope this letter goes some way to clarify any misunderstandings you may have had following receipt of our previous letter and look forward to meeting with Paul and Andrew in the near future. We attach our final comments regarding the HAZID log RA comments and, unless you wish to engage further on any of the issues raised – which we would be very happy to do in an effort to see whether you can address further any of the concerns we and other consultees have raised - will now await your formal submission to pursue our concerns further and are still awaiting a response on our e-mail to Harry Aitchison, attached as reference.

Best regards / Med venlig hilsen

Captain
Jesper Hartvig Nielsen
Head of ferry operations,
Equipment Center & Terminal Excellence
Fleet management

DFDS A/S
Marmorvej 18
2100 Copenhagen Ø
Denmark

M: [REDACTED]
T: [REDACTED]

[REDACTED]

www.dfds.com

From: Oliver Peat <[REDACTED]>
Sent: 23. september 2022 16:14
To: Jesper Hartvig Nielsen [REDACTED]
Cc: Tom Jeynes <[REDACTED]>; Timothy Aldridge <[REDACTED]>; Montgomery Smedley [REDACTED]
Subject: [EXTERNAL] RE: Letter to ABP

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Dear Jesper,

Thank you for your further correspondence of 29.08.22 and your continued engagement on the IERRT project, please find attached our reply to the discussion points you have raised.

I hope the responses

Regards,

Oliver Peat | Development Project Manager | Associated British Ports

2nd Floor | 25 Bedford Street | WC2E 9ES

Mob: [REDACTED] | www.abports.co.uk

From: Jesper Hartvig Nielsen <[REDACTED]>
Sent: 29 August 2022 15:15
To: Oliver Peat <[REDACTED]>
Cc: Tom Jeynes <[REDACTED]>; Timothy Aldridge <[REDACTED]>
Subject: Letter to ABP

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Dear Oliver,

Referring to the HAZID workshop two weeks ago and our email correspondence thereafter, kindly find our written reply attached to this mail.

Wish you all a great evening.

Best regards / Med venlig hilsen

Captain
Jesper Hartvig Nielsen
Head of ferry operations,
Equipment Center & Terminal Excellence
Fleet management

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Associated British Ports
Att: Mr. Henrik Pedersen
25 Bedford Street
London WC2E 9ES
United Kingdom

Copenhagen October 18th 2022

Dear Henrik,

Immingham East Ro-Ro Terminal (IERRT)

Thank you for your letter of 26 September 2022. I am grateful for your assurance that ABP is committed to conducting an extensive and comprehensive consultation process in respect of this project, and trust this will extend to reconsidering issues and carrying out additional or new studies, such as berthing simulations and navigational risk assessments, in response to concerns that have been raised and not satisfactorily addressed.

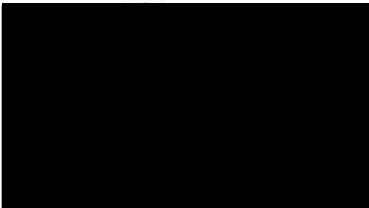

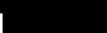
We received a response on 23 September from Oliver Peat to the points raised by our Captain Nielsen in his letter dated 29 August 2022. In addition, I met with Simon Bird in Copenhagen. Simon and I had a good meeting and I am grateful that he took the time to meet with me. During our meeting we agreed to set up an operational meeting between our experts, which was conducted in Copenhagen on Thursday 13th of October.

I have now received feedback from the meeting and wish to place on record that DFDS remain extremely concerned about the quality and accuracy of some of the work done by ABP and its advisors. We remain especially concerned about the vessel and berthing simulations, and the datasets used in connection with them. Unfortunately, the meeting did not reduce our concerns, which are centred around operational safety and the impact of safety issues on all users of the port of Immingham.

After the meeting in Copenhagen our safety concerns were discussed in a constructive way, however, we still have significant safety concerns about the proposal, and the methodology and accuracy of the work carried out to assess the levels of risk. We have been assured by your Harbour Master and the other participants that they will look further our concerns and revert to us as soon as possible, and we look forward to hearing from them.

As I mentioned to Simon Bird during our meeting, and which was repeated by our Captain Nielsen at the meeting in Copenhagen, we will of course engage in further discussion in a constructive manner and trust ABP will do the same, thereby, we will hopefully be able to solve the significant safety issues related to the IERRT which are still outstanding and remains to be solved.

Yours sincerely



Senior Vice President 

BRIDSON Rebecca

Subject: FW: Answer from ABP letter

From: Henrik Pedersen [REDACTED]
Sent: Tuesday, October 18, 2022 11:03 PM
To: Kell Robdrup [REDACTED]
Cc: Simon Bird [REDACTED]
Subject: [EXTERNAL] RE: Answer to ABP letter dated 26 September

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Dear Kell,

Many thanks for your letter. ABP will of course continue to engage in this matter constructively, and I appreciate you are stating that DFDS will do the same.

Simon and his team will revert to you accordingly.

Regards,

Henrik L. Pedersen | CEO | Associated British Ports

25 Bedford Street | London | WC2E 9ES

Mob: [REDACTED] | www.abports.co.uk

EA: Mary Treacy | [REDACTED] | Mob: [REDACTED]



From: Kell Robdrup [REDACTED]
Sent: 18 October 2022 10:11
To: Henrik Pedersen [REDACTED]
Cc: Simon Bird [REDACTED]
Subject: Answer to ABP letter dated 26 September

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Dear Henrik,

Hope you are doing well. Attached please find response to your letter dated September 26th.

Best regards
Kell

Best regards / Med venlig hilsen

Kell Robdrup
Senior Vice President



DFDS A/S
Marmorvej 18
2100 Copenhagen Ø
Denmark

M: [REDACTED]
D: [REDACTED]

[REDACTED]
dfds.com [Facebook](#)

From: Ben Hodgkin [REDACTED]
Sent: 26. oktober 2022 17:36
To: Jesper Hartvig Nielsen [REDACTED]
Cc: Paul Bristowe [REDACTED]
Subject: [EXTERNAL] RE:

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Dear Jesper,

Many thanks for your note.

I can confirm that, as mentioned to Kell and Andrew on our [REDACTED] call, we are about to undertake a Supplementary Statutory Consultation for the IERRT project. As mentioned when we met, the evolution of the scheme is to be expected for a project of this nature and we recognise the importance of ensuring all stakeholders (including DFDS) are fully aware of what is being proposed to be included in the DCO.

We therefore aim to commence the consultation period this Friday and I understand the formal notice will be issued to you by the project team shortly. This will be a full consultation covering the changes and refinements made to the scheme as it has evolved since the publication of the PEIR.

As we discussed when we met, we do plan to undertake further navigational simulations to support the operational readiness of the terminal. We will be scoping these additional simulations over the next couple of weeks, taking account of your feedback, and we will be in touch to discuss possible simulation dates so that we can ensure you (and your team) can attend. Whilst we had always planned to undertake these additional simulations to inform the operational parameters for the terminal we are bringing these forward to give you and other stakeholders reassurance in the simulations undertaken to date. The simulations are not required to be completed as part of the wider consultation exercise on the project but will be looking to complete as soon as possible - I understand one option may be to seek to combine with the navigational simulations being planned for [REDACTED] in late November/early December.

Regarding the submission date of the application we aim to do this as soon as possible, whilst being dependent on the number of responses, questions and comments that we receive during this latest consultation.

I will be in touch shortly with a follow up to the key actions we discussed at our meeting on the 13th October so that we can agree and arrange next steps for these six key actions.

I hope the above clarifies our plans – please just email or give me a call if you have any further queries.

Many thanks,

Ben

Ben Hodgkin | Group Head of Projects | Associated British Ports

25 Bedford Street | London | WC2E 9ES

Mob: [REDACTED] | www.abports.co.uk



From: Jesper Hartvig Nielsen [REDACTED]

Sent: 24 October 2022 14:21

To: Ben Hodgkin [REDACTED]; Paul Bristowe [REDACTED]

Subject:

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Dear Paul and Ben

I understand that at the [REDACTED] Group on Thursday, Simon Bird stated that there would be a further statutory consultation on the IERRT project, and I would be grateful if you could confirm that.

If so, it is welcome news. Please could you let me know:

- When it is taking place?
- Is it a full statutory consultation or is it just on the changes that have taken place since the one earlier this year?
- Will it be accompanied by new simulations that address the concerns expressed with the previous ones?
- Will it include the following changes to the project:
 - o Reduction from four berths to three
 - o Overlap in time of construction and operation
 - o Changes to the landside land acquisition
 - o Any further changes such as moving the IOT finger pier
- How long after the conclusion of the consultation do you expect to make the application?

Many thanks and great day to you both.

Best regards / Med venlig hilsen

Captain
Jesper Hartvig Nielsen
Head of ferry operations,
Equipment Center & Terminal Excellence
Fleet management



DFDS A/S
Marmorvej 18
2100 Copenhagen Ø
Denmark

M: [REDACTED]
T: [REDACTED]

[REDACTED]

www.dfds.com



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Dear Sir or Madam

**STATUTORY CONSULTATION UNDER SECTION 42 OF THE PLANNING ACT 2008
INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)
REGULATIONS 2017**

We are writing to you in respect of the **Immingham Eastern Ro-Ro Terminal ("IERRT")** NSIP proposal to inform you that we are undertaking a supplementary statutory consultation ("Supplementary Statutory Consultation"), which will commence on **Friday 28 October 2022 and run until Sunday 27 November 2022.**

For this purpose, we have produced a **Supplementary Consultation Newsletter** which provides information about the Supplementary Statutory Consultation and the refinements that have been made to the IERRT scheme since the formal statutory consultation was undertaken at the beginning of this year, in January and February 2022.

We also attach a formal **S.42 letter** and **S.48 notice** (made under the Planning Act 2008) for your information.

Please note, importantly, that the Supplementary Statutory Consultation will close at **23:59pm on Sunday 27 November 2022.** Please ensure we receive any comments **in writing** before 23:59pm on 27 November 2022 as responses received after that time may not be considered.

To submit comments, or to ask our project team questions about the IERRT scheme or the consultation process please contact us using the details provided in the attached documents.

More information about the IERRT Development and the consultation can be found at: www.abports.co.uk/immroro/consultation.

Yours faithfully

Immingham Eastern Ro-Ro Project Team

Dock Office | [Immingham Dock](#) | NE Lincolnshire | DN40 2LZ

Tel: [REDACTED] | www.abports.co.uk

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From: Jesper Hartvig Nielsen [REDACTED]
Sent: 08 November 2022 14:57
To: 'Andrew Firman'
Subject: IMMINGHAM EASTERN RO-RO TERMINAL (IERRT) PROPOSAL

Dear Fred,

IMMINGHAM EASTERN RO-RO TERMINAL (IERRT) PROPOSAL

Following our meeting on Thursday 13 October to discuss DFDS' various concerns raised in my letter of about the accuracy, suitability and integrity of some of the marine related data used in support of ABP's IERRT proposal and the related vessel simulations, I thought it might be helpful to confirm some of the key issues we discussed at that meeting in the context of the notes and actions subsequently provided by Ben Hodgkin.

As I explained at our meeting, DFDS has around 2,000 employees employed in connection with its regular operations into the Port of Immingham. Given this very material investment in the Port (to say nothing of the financial commitment DFDS has made, and continues to make, to the Port), and given the time critical scheduled services which DFDS operates from the Port, it is of paramount importance to DFDS that any new development at the Port which impacts on marine operations does not give rise to navigational safety risks. This is vital to avoid any incidents which could disrupt operations at the Port and in particular impact on the scheduled services critical to DFDS business. I therefore hope that this email will help to ensure that the actions agreed by ABP will address the key marine issues and concerns we discussed.

In your capacity as Harbour Master Humber, I assume you will also want to ensure that these issues and concerns are properly and adequately addressed. I use the same headings and numbering as in the actions provided by ABP.

i Design Changes

- i. ABP has noted that in its view, design development is an expected part of the design process and has indicated that it does not consider the changes made to the IERRT since the original statutory consultation are material. As we have explained previously, DFDS does not accept this characterisation of the changes made to the project over recent months and it is essential that the navigational risk assessment is of the latest iteration of the project, as I am sure you will agree.

We remain concerned that the various changes reflect a project which has not been properly thought through or risk assessed. We hope that the new statutory consultation period will allow ABP to reflect properly both on issues raised by all stakeholders and also on the underlying data and assumptions being relied on by ABP. We trust that as the statutory harbour master for the Humber, you will now take the opportunity to read and revisit the various marine data sources and vessel simulation reports to ensure that you are happy with the accuracy and currency of all of the data being used and assumptions underlying the proposals and that you will test and question these independently from the ABP Port of Immingham commercial / project team.

- ii. ABP has confirmed that no decision has been taken to relocate the IOT finger pier. We note that relocation of the finger pier was raised as a possible mitigation measure at the last HAZID workshops and included in ABP's most recent NRA. Clearly the proximity of the finger pier to the proposed new jetty is a significant risk factor for the project and we think that it is imperative that a decision is made and clearly communicated to all stakeholders about how ABP intends to prevent possible allision with the finger pier or any vessel berthed on that pier and to mitigate the risks of the proposed IERRT's proximity to the IOT and the finger pier, and I hope you share such concerns. This must be done before an adequate navigational risk assessment can be completed and before stakeholders are asked to consider the project in the round.

In this context, we remain concerned that the Eastern Jetty operations have not received a great deal of attention during the process to date and have therefore not been addressed sufficiently from a marine safety perspective.

- iii. On the subject of communication, we are pleased that ABP has acknowledged our frustration and concerns that some of the communication to date, especially around HAZID workshops, has been poor. We are pleased with Ben's confirmation that ABP intend to address this in future communication and look forward to the benefits this will bring to the process. We also assume this will include conducting further HAZID workshops following the latest statutory consultation period and any further changes to plans which come out of that consultation and assume that you will play an active part in these.

ii. Tidal Data

- i. We are pleased that ABP has agreed to do more work using additional data points to map tidal flows more accurately across the IERRT berths and approaches as a whole. We remain very concerned about the use of a single data point for tide flow prediction, which we think is not consistent with other similar projects where multiple data points have been used. We also believe that all regular users of the estuary would confirm that the tidal data produced by that single data point is not representative of tidal flows in general. You will recall that Captain Thomas Steffensen provided data from Hollandia Seaways to support our concerns and you have previously agreed that the tidal data used in the modelling is not consistent with your own experience and expectation of tidal flows in that area of the estuary. Given your experience and position, we trust that you will be ensuring that your concerns are fully conveyed to the ABP project team and that they are taken into account in the new modelling which will presumably take place as part of the new vessel simulation work. We assume that the new modelling will be based on comprehensive and robust data collection carried out over an appropriate time period to ensure no anomalies are allowed to compromise the results.

We look forward to receiving a copy of the additional tidal data calibration which ABP has now agreed to undertake, as I am sure you will be.

iii. Simulation

- i. We are grateful for Ben's confirmation that ABP will be carrying out additional vessel simulations taking into account DFDS observations, and we expect also your observations as Humber Harbour Master. In this regard, we noted your observation at our last meeting that you are not completely comfortable with the jetty position as it stands. You did comment that you thought DFDS was placing ABP's homework on this "under a microscope". As noted above, given the critical role of the Port to DFDS business, we are surprised that you would expect anything less. Furthermore, given the sensitive location of the proposed IERRT immediately adjacent to both the IOT and the Eastern Jetty, both of which handle highly flammable, toxic and potentially polluting products, we would expect that ABP would also be carefully and rigorously scrutinising every element of the IERRT proposal before submitting its application.

We are also grateful for your agreement to include DFDS at the new vessel simulations you have agreed to run. We look forward to receiving details of these as soon as you are able to provide them so that we can ensure the necessary attendance.

In relation to the new simulations, aside from the concerns over tidal data noted above, we also previously provided detailed critical observations over other aspects of the simulations and have noted that we think the format of simulations run to date downplays and understates the number of failures occurring during those simulation runs. In particular: (a) use of our highly manoeuvrable Jinling class of vessels in the simulations is not representative of the vessels we expect will be using the IERRT from day 1 of operations; (b) use of bow thrusters at 100 percent. power for continuous periods of at least 13 mins is the only reason at least three of the simulations undertaken were stated to be successful rather than failures – this is not a realistic regular operational methodology - an observation which we believe you accepted. In addition, use of bow thrusters in this way would create wash for the tug boats which

would reduce their operational capacity; (c) use of best in class tugs for every operation when only four such tugs operate on the Humber and only two would ever be potentially available given the four tugs are not operated by the same tug company – we note that you thought that any tug could be used, however, we do not believe that is how the simulations were run; and (d) an assumption that every operation would be piloted by the most experienced pilot on the Humber – clearly not realistic on a day to day basis.

We also note that you agreed that the possible reluctance of tug skippers to manoeuvre between two vessels, as was the case in some of the simulations, should be scrutinised as part of new simulations.

iv. NRA Methodology

- i. We have already provided detailed observations and comments on the appropriateness (or otherwise) of the NRA methodology in connection with the workshops held and would therefore not propose to repeat of all those comments here. We note ABP's action to facilitate direct conversations between consultants to discuss NRA methodology in a workshop environment and look forward to participating.

We assume that ABP will run new HAZID workshops based on all comments received to date, all new comments received during the current consultation period, and the various actions which ABP has agreed to take following our meeting and we assume you will be supporting such an approach. I hope you agree that this should be done before any DCO application is made so that its results can be reflected in the application documents.

v. Commercial and Operational Workshop

- i. We look forward to taking part in the commercial / operational workshop which ABP has agreed to set up to understand the possible implications of the IERRT project on existing operations. We note that this should include impact on all operations in-dock which therefore need to pass through the locks at Immingham - at our meeting, we discussed the practicalities and concerns around stemming and movements at the new terminal blocking the lock operation. Given that marine operations form perhaps the most critical input to this, we assume you will be a participant in any such workshop?

vi. Correspondence

- i. We are disappointed to note that, despite agreeing to do so at our meeting, ABP is yet to provide a response to our 5 October email. We look forward to receiving this, although note that this is an action for Ben rather than for you.

I trust that the points raised in this email are helpful in planning your input as Harbour Master into the various action points agreed by ABP at our last meeting. I also trust that any observations made from the meeting discussions accord with your recollection of what was discussed, but if not please do let me know so that we can hopefully avoid any misunderstandings as we move forward.

I am grateful to you and to Paul and Ben for making the time and effort to come and meet with me and the DFDS marine team. I think that the conversation was held in a positive manner and am pleased that the actions subsequently provided by Ben reflect some of the concerns we at DFDS have raised. We therefore look forward to participating in full in the various workshops, meetings and new simulations which ABP has agreed to run and hope that these will help to clarify issues and to address the concerns we have raised with this project.

Best regards / Med venlig hilsen

Captain
Jesper Hartvig Nielsen
Head of ferry operations,
Equipment Center & Terminal Excellence
Fleet management



DFDS A/S
Marmorvej 18
2100 Copenhagen Ø
Denmark

M: [REDACTED]
T: [REDACTED]

[REDACTED]

www.dfds.com



BRIDSON Rebecca

From: Paul Bristowe <[REDACTED]>
Sent: 22 November 2022 11:12
To: Jesper Hartvig Nielsen
Cc: Paul Bristowe
Subject: RE: [EXTERNAL] DFDS - HR Wallingford

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Jesper,

Many thanks for the update – I'll let the project team know.

Best regards,

Paul

Paul Bristowe | Head of Marine Humber | Associated British Ports
Mobile: [REDACTED] | www.abports.co.uk



From: Jesper Hartvig Nielsen <[REDACTED]>
Sent: 21 November 2022 17:36
To: Paul Bristowe <[REDACTED]>
Cc: Ben Hodgkin <[REDACTED]>; Andrew Firman <[REDACTED]>
Subject: RE: [EXTERNAL] DFDS - HR Wallingford

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Hi Paul,

I have managed to get a colleague of mine to participate on Monday-Tuesday.

His name is Paul Lammers.

I do not have his flight details yet but he will be there during Monday and start Tuesday and finalize with me when I arrive.

That means you can do the simulations as you prefer.

Do look forward in seeing you next week.

Best regards / Med venlig hilsen

Jesper Hartvig Nielsen

From: Jesper Hartvig Nielsen
Sent: 21. november 2022 12:57

To: Paul Bristowe [REDACTED]
Cc: Ben Hodgkin [REDACTED]; Andrew Firman [REDACTED]
Subject: RE: [EXTERNAL] DFDS - HR Wallingford

Hi Paul,

Thanks for below.

Take it that the runs with the RoRo vessels can done on the Tuesday when I get there?

Thanks in regards to the hotel however we have chosen a hotel closer by.

Looking forward to see you next week.

Best regards / Med venlig hilsen

Jesper Hartvig Nielsen

From: Paul Bristowe [REDACTED]
Sent: 20. november 2022 11:40
To: Jesper Hartvig Nielsen [REDACTED]
Cc: Ben Hodgkin [REDACTED]; Andrew Firman [REDACTED]; Paul Bristowe [REDACTED]
Subject: RE: [EXTERNAL] DFDS - HR Wallingford

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Good Morning Jesper,

Thank you for confirming attendance at HR Wallingford for the forthcoming simulations.

We are planning to use the Holiday Inn Express Oxford (Kassam Stadium) if your team wish to book the same hotel.

Looking forward to seeing you there.

Best regards,

Paul

Paul Bristowe | Head of Marine Humber | Associated British Ports

Mobile: [REDACTED] | www.abports.co.uk



From: Jesper Hartvig Nielsen [REDACTED]
Sent: 18 November 2022 13:08
To: Paul Bristowe [REDACTED]
Cc: Ben Hodgkin [REDACTED]; Andrew Firman [REDACTED]
Subject: RE: [EXTERNAL] DFDS - HR Wallingford

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Dear Paul,

I will be flying in Tuesday and living again Wednesday morning.

The captains will be there Tuesday afternoon/evening.

Captains names:

Kim Carlsson

Mykola Timofeyev

Can you help us with receiving rooms or guide us to hotels close by?

Great weekend to you all.

Best regards / Med venlig hilsen

Jesper Hartvig Nielsen

From: Paul Bristowe [REDACTED]
Sent: 18. november 2022 13:52
To: Jesper Hartvig Nielsen [REDACTED]
Cc: Ben Hodgkin [REDACTED]; Andrew Firman [REDACTED]; Paul Bristowe [REDACTED]
Subject: [EXTERNAL] DFDS - HR Wallingford
Importance: High

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Dear Jesper,

Please see below the final plan for the IERRT simulations at HR Wallingford (28-30 Nov). The [REDACTED] project team will cover the plan for 30 Nov-2 Dec in a separate email (to follow).

I understand from our brief call this morning that you are looking to attend yourself for one day on Tue 29 Nov and your captains will be available from Wed 30 Nov onwards. We did not cover attendance from Bishop Consulting.

Grateful if you could confirm your 'staff plan' when finalised.

Hope to see you there.

Best regards,

Paul

Paul Bristowe | Head of Marine Humber | Associated British Ports

Mobile: [REDACTED] | www.abports.co.uk



ABP would like to continue to thank DFDS for their ongoing support of the IERRT project and attending the next phase of the Operational Navigational Simulations.

The plan for the simulations is to carry out the following runs:

IERRT Runs – Stena T class

Run	Berth	Tide	Wind (kts)	Arrival/Departure	Comments	Start Posn	Timings
1	1	Ebb	SW 10	Arrival	Familiarisation run & model verification	IOT 2	00:30
2	1	Flood	NE 10	Arrival	Familiarisation run & model verification	IOT 2	00:30
3	1	Flood	NE 20	Arrival	No tug	IOT 1	00:20
4	1	Flood	NE 20	Departure	No tug	Berth	00:20
5	1	Flood	NE 30	Arrival	2 x 50t tugs	East Jetty	00:20
6	1	Ebb	NE 30	Arrival	2 x 50t tugs	East Jetty	00:20
7	1	Flood	NE 30	Departure	2 x 50t tugs	Berth	00:20
8	1	Ebb	NE 30	Departure	2 x 50t tugs	Berth	00:20
9	1	Flood	SW 20	Arrival	No tug	East Jetty	00:20
10	1	Flood	SW 20	Departure	No tug	Berth	00:20
11	1	Flood	SW 30	Arrival	2 x 50t tugs	East Jetty	00:20
12	1	Ebb	SW 30	Departure	2 x 50t tugs	Berth	00:20
							05:05

IOT 8 & 9 – Wisby Teak & Rix Barge

Run	Berth	Tide	Wind (kts)	Arrival/Departure	Comments	Start Posn	Timings
1	IOT 8	Flood	SW 10	Arrival	Familiarisation run & model verification	IOT 2	00:30
2	IOT 8	Flood	NE 10	Departure	Familiarisation run & model verification	Berth	00:30
3	IOT 8	Flood	SW 20	Arrival	Wisby Teak	A1 Dolphin	00:20
4	IOT 8	Flood	SW 20	Departure	Wisby Teak	Berth	00:15
5	IOT 8	Flood	SW 30	Arrival	Wisby Teak & 50t tug	East jetty	00:20
6	IOT 8	Flood	SW 30	Departure	Wisby Teak & 50t Tug	Berth	00:15
7	IOT 8	Flood	NE 30	Arrival	Wisby Teak & 50t tug	East Jetty	00:20
8	IOT 8	Flood	NE 30	Departure	Wisby Teak & 50t tug	Berth	00:15
9	IOT 9	Flood	SW 10	Arrival	Rix Barge	East Jetty	00:20
10	IOT 9	Ebb	SW 10	Arrival	Rix Barge	East Jetty	00:20
11	IOT 9	Flood	SW 30	Departure	Rix Barge	Berth	00:20
12	IOT 9	Ebb	SW 30	Departure	Rix Barge	Berth	00:20
							04:05

The above runs have been chosen in order to continue the evolution of our understanding of the operational phase of the proposed berths, utilising the existing Stena Vessels rather than the future design vessel and utilising two additional vessels (proposed by APT) for the additional runs onto and off IOT 8 & 9. In order to carry out the runs to and from the IOT finger piers HR Wallingford are building two new vessel models to use in their simulations (at APT's request, the Wisby Teak and the Rix Barge).

The IERRT simulation days will be 28th Nov – 30th November (2.5 days, starting 1030 at HR Wallingford on the 28th).

It is our understanding that DFDS will attend with a DFDS Representative and a Bishop Consulting Representative (please confirm who these attendees will be and whether you would like anyone else in attendance?).

Many thanks,

Oliver Peat | Development Project Manager | Associated British Ports

2nd Floor | 25 Bedford Street | WC2E 9ES

Mob: [REDACTED] | www.abports.co.uk



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Dear Jesper,

Many thanks for your note – this was a useful prompt to provide an update following our meeting in October.

I have extracted the notes from that meeting in to the table below so that I could provide an update against each action.

I think in doing this I have picked up the points in your email below but please flag anything I have missed.

Thank you for making yourself available to attend the navigational simulations next week – I am afraid I will not be able to attend but Paul will be there and I look forward to hearing your feedback following the runs.

Perhaps we should schedule a catch up Teams call for the following week (w/c 05 Dec) to capture this, and also pick up any follow up actions below? If this would suit, please just advise preferred dates/times.

Many thanks,

Ben

Topic area	Notes from discussion (13/10)	ABP update (24/11)
1. Design changes	<p>ABP explained their view that design development is an expected part of the design process and efforts have been made to engage all stakeholders during the process.</p> <p>ABP acknowledged DFDS's frustrations with the communication approach to date and are seeking to use this meeting as an opportunity to reset</p>	<p>As communicated at the end of October a supplementary round of consultation is underway and we welcome DFDS's engagement in this process.</p> <p>The supplementary consultation material explains the rationale for the evolution of the scheme since the first round of statutory consultation in</p>

	<p>the relationship.</p> <p>ABP confirmed that no decision had been taken to relocate the finger pier - this was included in the HazLogs as it was discussed as a potential control measure during the Hazid workshops.</p>	<p>January.</p> <p>Picking up your question in your email below, we confirm that this does not include relocation of the IOT finger pier.</p>
2. Tidal Data	<p>ABP to feedback on outcome of additional data calibration.</p>	<p>We are pleased to confirm that the additional data calibration surveys have now been completed. As set out in Oliver's email attached, this additional calibration shows good alignment and supports the hydrodynamic model that has been used on the project to date. The project team will be happy to cover the specifics of this in more detail as part of the navigational simulations next week.</p>
3. Simulation	<p>ABP to confirm next steps and timings for additional simulation runs taking consideration of DFDS's observations.</p>	<p>As per our separate correspondence these additional operational simulation runs have been arranged for next week, commencing 28 November, and have</p>

		<p>taken account of feedback from DFDS and other port users.</p> <p>These additional simulation runs are focused on refining the governing parameters and operational windows for the facility, rather than informing any new HAZID and NRA process.</p>
4. NRA methodology	Agreed to facilitate a direct conversation between the consultants to discuss methodology in a workshop environment.	Please find attached the NRA methodology that will be included in the Environmental Statement for the project. If it would be helpful to arrange a call with your consultants and ABP Mer to discuss this once they have reviewed please just let me know.
5. Commercial and operational workshop	Agreed to arrange a commercial/operational workshop to understand possible implications of project on existing operations.	We would be pleased to arrange a commercial/operational workshop to set out how the vessel arrivals and departures will be managed once IERRT is operational. This will be much like any other From ABP

		<p>'s side this would be led by Chris Bowlas with input from Paul and the marine team. I have asked Chris Bowlas to liaise with Andrew Byrne to arrange a date for a workshop.</p>
<p>6. Correspondence</p>	<p>Agreement that ABP would provide a response to the Oct 05 email and then arrange a follow up meeting to discuss next steps.</p> <p>ABP Mer to respond to DFDS correspondence and then arrange follow up with workshop with NRA consultants to discuss methodology.</p>	<p>Please see attached a response from the Oliver and the project team, a number of the points are also covered in this email.</p> <p>I have followed up with ABP Mer on this point who have confirmed that the comments were included alongside all other stakeholder feedback within the ES chapter. They are addressed in the NRA in the ES Chapter Table, however they did not inform any change within risk analysis/assessment.</p> <p>My suggestion is that we pick up any points that would benefit further discussion following the additional navigational simulations next week (see my suggestion of a Teams call w/c 05</p>

		Dec).
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Ben Hodgkin | Group Head of Projects | Associated British Ports

25 Bedford Street | London | WC2E 9ES

Mob: [REDACTED] | www.abports.co.uk

From: Jesper Hartvig Nielsen [REDACTED]
Sent: 22 November 2022 06:45
To: Ben Hodgkin [REDACTED]
Cc: Paul Bristowe [REDACTED]
Subject: Proposed Immingham Eastern Ro-Ro Terminal

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Dear Ben

DFDS are pleased that you have responded to our calls for a further consultation given the number of changes to the IERRT project since the previous consultation and that this is now under way, to which we will of course be making submissions.

While we await a response to our email to Oliver Peat of 5 October we have a few additional points to make.

It is not clear whether the IOT finger pier is being moved from the western to the eastern side of the main jetty, as suggested as possible mitigation in the HAZID workshop documentation, please could you clarify?

We hope that you will allow sufficient time to consider the consultation responses before making your application, but also that you will rerun the simulations and HAZID workshop, where the issues like the current, wind shadowing and propeller wash which were identified at the meeting on 13 October, have been included in the model, to feed into the Navigational Risk Assessment that we expect to form part of your application.

At the recent meetings we have held with you, you have said that you will look into doing this so I hope that this will be the case, otherwise your assessment of navigational risk, which is probably the most significant issue about this project, will not be sufficiently robust.

Although not primarily a safety issue, there will also be an economic impact on existing port users from congestion caused by these new vessel movements within the Port of Immingham, particularly those who need to transit the Lock. This clearly needs to form a significant part of your assessment, as In Dock operations play such an important part of the Port of Immingham's overall business. Unfortunately, it appears to have been completely omitted to date.

We would be pleased to participate in a commercial workshop to consider how the inevitable alterations to vessel scheduling protocols at Port of Immingham post development of IERRT, will affect all the existing users of the Port, and Andrew Byrne is taking the lead on this aspect.

Wish you a great day.

Best regards / Med venlig hilsen

Captain
Jesper Hartvig Nielsen
Head of ferry operations,
Equipment Center & Terminal Excellence
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1 NRA Methodology

- 1.1.1 The International Maritime Organization (IMO) Guidelines for Formal Safety Assessment (FSA) for the use in the IMO rule making process (IMO, 2018) defines a hazard as: “A potential to threaten human life, health, property or the environment”. This statement identifies the potential event that has an undesirable outcome on four defined receptors. The potential for a hazard to be realised can be combined with an estimated (or known) consequence and frequency. This combination is termed ‘risk’. Risk is a measure of the frequency and consequence of a particular hazard. The methodology applied within this NRA evaluates and records the risk by utilising a matrix approach using the four receptors of people, planet, port and property effects.
- 1.1.2 This NRA has been carried out to determine the risk to marine and navigational hazards associated with the proposed development (as described in section xxx). To assess this risk, the potential hazards of the proposed development have been assessed in relation to the impacts during:
- Construction: including capital dredging and installation of infrastructure;
 - Construction and Operation: construction of the southern finger pier whilst operating the northern finger (with two berths); and
 - Operation: change to the study area’s vessel movements including any maintenance dredging.
- 1.1.3 The method for carrying out an NRA follows the guidance from the Port Marine Safety Code (PMSC) ‘A Guide to Good Practice on Port Marine Operations’ (DfT, 2018). Additionally, considerations from MGN 654, Annex 1 ‘Methodology for assessing marine navigational safety and emergency response risks of OREIs’ (MCA, 2021) and the underpinning IMO FSA (IMO, 2018) have been consulted for guidance on hazard categorisation and analysis stages. The following identifies the steps to carrying out marine hazard identification and the risk analysis process:
1. Identification of hazard (listing of potential marine hazard scenarios, describing hazard descriptions and outcomes).
 2. Risk analysis (determination of frequency and consequence for each hazard scenario).
 3. Risk control options (consideration of existing (embedded) mitigation measures, which either reduce the outcome frequency or control the severity or both; and additional (future) risk controls, which are not currently in place, but could be used to further reduce or eliminate risk).
 4. Cost benefit assessment (an evaluation of the time, cost and physical difficulty of taking measures that avoid or reduce the risk).
 5. Recommendations for decision-making (final decisions in determining risk made by the Duty Holder).

1.1.4 The following sections identify the outcome from the above steps, carried out within this NRA. Section xx describes and expands on the discussion of the Hazard Logs (Appendices A, B and C) and forms the interpretation of the NRA.

1.2 Stage 1: Hazard Identification

1.2.1 When considering the introduction of new, or alterations to port infrastructure, a collective process needs to identify new or altered hazards created by new trade or by the proposed changes in marine operations. An incident may occur if new or altered port infrastructure and its associated trade is not evaluated and managed.

1.2.2 ABP, as Harbour Authority, manages port development changes and the introduction of new trade through risk-based evaluation and established risk controls, with the application of appropriate additional risk mitigation measures in accordance with the PMSC and its Guide to Good Practice (GtGP). This forms the basis of the risk assessment methodology.

1.2.3 Within the process of hazard identification and risk assessment, ports take due regard of the relationships between the port authority, terminal operators, and relevant vessel operators. The GtGP recommends that: “*structured meetings need to be held during this process involving relevant marine practitioners at all levels*”. Port users should be invited to take part in these meetings, including groups such as Pilots and Pilotage Exemption Certificate (PEC) holders, commercial operators, tug operators, crew and other regulators and agencies. This stage of the process is termed the ‘Hazard Identification’ (HAZID) and may take the form of one or many sequenced meetings. Broad hazard categories are used to group different hazard scenarios, these are taken from Annex H of MGN 654 ‘Methodology for Assessing the Marine Navigational Safety and Emergency Response Risks of Offshore Renewable Energy Installations’ (MCA, 2021) and are reproduced in Table x1.

Table x1 Hazard category definitions

Category	Description
Accidents to personnel	Accidents to personnel are defined as those accidents which cause harm to any person on board the vessel e.g. crew, passengers, stevedores, who do not arise as a result of one of the other accident categories. Essentially, it refers to accidents to individuals, though this does not preclude multiple human casualties as a result of the same hazard, and typically includes harm caused by the movement of the vessel when underway, slips, trips, falls, electrocution and confined space accidents, food poisoning incidents, etc.
Accidents to the general public	Accidents to the general public are defined as those accidents which lead to injury, death, or loss of property amongst the population ashore resulting from one of the other ship accident categories.

Category	Description
Allision	Defined as a violent contact between a vessel and a fixed structure.
Capsizing	The overturning of a vessel after attaining negative stability.
Collision	Collision is defined as a vessel striking, or being struck by, another vessel, regardless of whether either vessel is under way, anchored or moored; but excludes hitting underwater wrecks.
Contact	Contact is defined as a vessel striking, or being struck by, an external object that is not another vessel or the sea bottom. Sometimes referred to as impact.
Explosion	An explosion is defined as an uncontrolled release of energy which causes a pressure discontinuity or blast wave.
Fire	Fire is defined as the uncontrolled process of combustion characterised by heat or smoke or flame or any combination of these.
Flooding	Flooding is defined as sea water, or water ballast, entering a space, from which it should be excluded, in such a quantity that there is a possibility of loss of stability leading to capsizing or sinking of the vessel.
Foundering	To sink below the surface of the water.
Grounding	Grounding is defined as the ship coming to rest on, or riding across underwater features or objects, but where the vessel can be freed from the obstruction by lightening and/or assistance from another vessel (e.g. tug) or by floating off on the next tide.
Hazardous substance accidents	Hazardous substance accidents are defined as any substance which - if generated as a result of a fire, accidental release, human error, failure of process equipment, loss of containment, or overheating of electrical equipment - can cause impairment of the health and/or functioning of people or damage to the vessel. These materials may be toxic or flammable gases, vapours, liquids, dusts, or solid substances.
Loss of hull integrity	Loss of Hull Integrity (LOHI) is defined as the consequence of certain initiating events that result in damage to the external hull, or to internal structure and sub-division, such that any compartment or space within the hull is opened to the sea or to any other compartment or space.
Machinery related accidents	Machinery related accidents are defined as any failure of equipment, plant and associated systems which prevents, or could prevent if circumstances dictate, the ship from manoeuvring or being propelled or controlling its stability.

Category	Description
Payload related accidents	Payload related accidents include loss of stability due to cargo shifting and damage to the vessel's structure resulting from the method employed for loading or discharging the cargo. This category does not include incidents which can be categorised as Hazardous Substance, Fires, Explosions, Loss of Hull Integrity, Flooding accidents etc.
Stranding	Stranding is defined as being a greater hazard than grounding and is defined as the ship becoming fixed on an underwater feature or object such that the vessel cannot readily be moved by lightening, floating off, or with assistance from other vessels (e.g. tugs).

- 1.2.4 During the Environmental Impact Assessment (EIA) scoping phase of the project, these hazard categories are considered and those not applicable to the development will be scoped out with the rationale for doing so explained. Hence, only scoped in categories are taken forward into the NRA.
- 1.2.5 The use of expert judgment is an important aspect of the HAZID. In applying expert judgment, different experts may be involved in a particular NRA. It is unlikely that the experts' opinions will always be in agreement. It might even be the case that the experts have strong disagreements on specific issues. However, it is the goal of each HAZID to reach a position of consensus, if this is not possible, the degree to which opinions differ will be recorded.
- 1.2.6 This stage also highlights the potential outcomes and consequences if each of the identified hazards were to occur. This process follows the GtGP as a useful way to consider for each hazard scenario the 'most likely' and the 'worst credible' outcomes. The GtGP states: *"This approach provides a more realistic and thorough assessment of risk, which reflects reality, in that relatively very few incidents result in the worst credible outcome. On a 5 x 5 risk matrix used by many organisations, these incidents score highly for consequence, but this is tempered by a low score on the frequency axis"*.
- 1.2.7 The output of this stage is the initial listing for a Hazard Log, listing hazards caused or changed by new or altered port infrastructure.

1.3 Stage 2: Risk Analysis

The GtGP (DfT, 2018) states that: *"Hazards need to be prioritised. A method which combines an assessment of the likelihood of a hazardous incident and its potential consequences should be used. This is likely to be a matter of judgement best taken by those with professional responsibility for managing the harbour."*

- 1.3.1 Subject matter experts and local port users in attendance at the HAZID workshop(s) contribute to the formation of the hazard scenario with descriptive and tailored 'worst credible' and 'most likely' events which are then assessed against four receptors, namely:

- People (life);
- Planet (environment);
- Port (reputation/business/amenity loss); and
- Property (port and shipping infrastructure damage).

1.3.2 Risk is determined through a count culmination of outcome categories in a risk tally ranking system. For each hazard scenario eight outcomes are determined. This is comprised of four outcomes from the 'worst credible' description and four outcomes from the 'most likely' description (i.e., each receptor has one outcome; four for 'worst credible' and four for 'most likely' making eight in total). These outcomes are identified from the frequency and consequence criteria and determined by attendees at the HAZID.

Consequence Descriptors

1.3.3 The consequence descriptors are used to inform the assignment of values to the hazard scenarios within the Hazard Log. The associated descriptions detailed below in Table x2 ensure that outcomes are applied consistently in contemplation of the severity of the consequence should it come to fruition.

Table x2 Consequence Descriptors

Descriptor	Consequence
Consequence Descriptors: Personal injury	
No injury	Negligible (1)
Minor injury(s)	Minor (2)
Serious injury(s) (MAIB/RIDDOR reportable injury)	Moderate (3)
Single fatality	Major (4)
Multiple fatalities	Extreme (5)
Consequence Descriptors: Property damage	
Negligible (£0 - £10,000)	Negligible (1)
Minor (£10,000 - £750,000)	Minor (2)
Moderate (£750,000 - £4m)	Moderate (3)
Serious (£4m - £8m)	Major (4)
Major (> £8 million)	Extreme (5)
Consequence Descriptors: Environmental	
None (No incident - or a potential incident/near miss)	Negligible (1)
No Measurable Impact (An incident or event occurred, but no discernible environmental impact - Tier 1 but no pollution control measures needed)	Minor (2)
Minor (An incident that results in pollution with limited/local impact - Tier 1, Harbour Authority pollution controls measures deployed)	Moderate (3)
Significant (Has the potential to cause significant damage and impact - Tier 2, pollution control measures from external organisations required)	Major (4)

Major (Has the potential to cause catastrophic and/or widespread damage - Tier 3, requires major external assistance)	Extreme (5)
Consequence Descriptors: Port business/reputational	
None	Negligible (1)
Minor (Little local publicity. Minor damage to reputation. Minor loss of revenue, £0 - £750,000)	Minor (2)
Moderate (Negative local publicity. Moderate damage to reputation. Moderate loss of revenue, £750,000 - £4m)	Moderate (3)
Serious (Negative national publicity. Serious damage to reputation. Serious loss of revenue, £4m - £8m)	Major (4)
Major (Negative national and international publicity. Major damage to reputation. Major loss of revenue, > £8 million)	Extreme (5)

Frequency Descriptors

1.3.4 The frequency descriptors are used to inform the assignment of values to the hazard scenarios within the Hazard Log. The associated descriptors detailed in Table x3 ensure that values are applied consistently in contemplation of the frequency of the scenario should it come to fruition.

Table x3 Frequency Descriptors

Descriptor	Frequency
The impact of the hazard is realised but should <u>very rarely</u> occur (within the lifetime of the entity).	Rare (1)
The impact of the hazard <u>might</u> occur but is unlikely (within the lifetime of the entity).	Unlikely (2)
The impact of the hazard <u>could</u> very well occur, <i>but it also may not</i> (within the lifetime of the entity).	Possible (3)
It is <u>quite likely</u> that the impact of the hazard will occur (within the lifetime of the entity).	Likely (4)
The impact of the hazard <u>will</u> occur (within the lifetime of the entity).	Almost Certain (5)

Risk evaluation

1.3.5 The risk classification associated with each of the hazard scenarios is assessed to a pre-defined scale. The scale used in the NRA is shown in Table x4 and considers the approach taken in the EIA which applies specific mitigation to risks evaluated to be 'Significant' (or higher). In the context of marine safety, it must be remembered that the overriding objective identified in the PMSC is to reduce risk to a point which is "as low as reasonably practical" (ALARP).

Table x4 Risk classification

Classification	Outcome
Very High Risk	Very High
Significant Risk	Significant
Medium Risk	Medium
Low Risk	Low
No Practicable Risk	No Practicable Risk

1.3.6 Any identified control which contributes to reducing risk is considered, irrespective of the initial risk outcome. For example, a hazard scenario with a baseline or existing risk score of moderate or low, would still be taken forward for risk reduction to satisfy the requirement of the ‘as low as reasonably practicable’ principle. The associated five-by-five Matrix is provided at Figure x1.

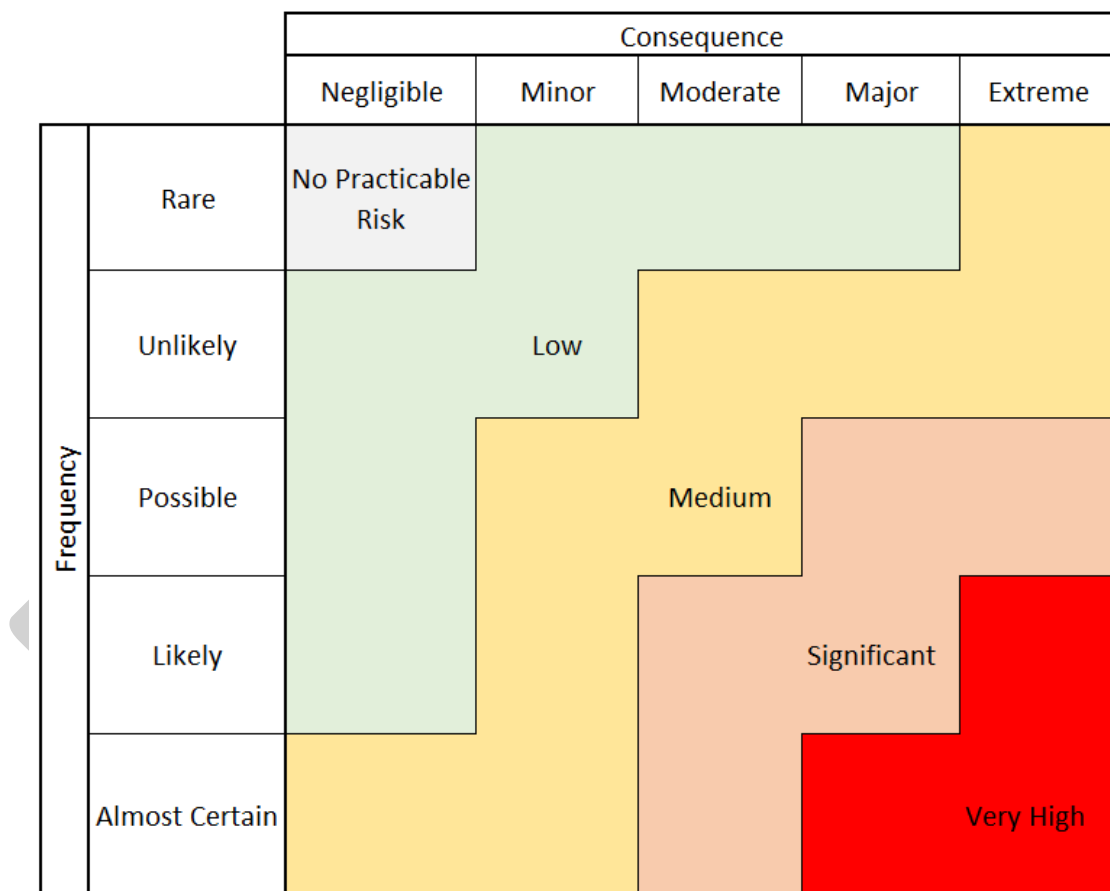


Figure x1 Five-by-Five Matrix

1.3.7 When utilising this matrix in combination with the consequence and frequency descriptors (Tables xx and xx) the outcome for the receptors of people, planet, port and property is reached. This outcome is compared with risk tolerability, any intolerable risk is unacceptable without further mitigation to reduce hazard scenarios to tolerable and ALARP.

1.3.8 Stage 1 and Stage 2 are completed once sufficient information has been gathered from a HAZID workshop process and a round of correspondence has been completed to ensure accuracy of comment following the workshop(s).

1.4 Stage 3. Risk Assessment and Control Options

1.4.1 Following Hazard Identification and Risk Analysis the NRA process is then able to consider Risk Assessment and Control Options. Risk Assessment necessarily includes a review of existing (embedded) controls. This step allows a wider view of existing controls, some of which may not have been raised at the HAZID. It is also very likely that further applicable controls are identified, which if applied could further reduce the outcome of the risk.

1.4.2 In doing so, there is a preferred hierarchy of risk control principles as stated in the GtGP, these are:

- *“Eliminate risks – by avoiding a hazardous procedure or substituting a less dangerous one;*
- *Combat risks – by taking protective measures to prevent risk;*
- *Minimise risk – by suitable systems of working. If a range of procedures is available, the relative costs need to be weighed against the degree of control provided, both in the short and long term” (DfT, 2018).*

1.4.3 As a result of this additional consideration and feedback, new causes, risk control measures, future mitigations (or changes to existing risk control measures) may also be identified which could trigger an increase or a decrease in hazard scenario risk. To ensure that the full process is documented and available to be examined at a later date, feedback from the HAZID workshops and any subsequent correspondence is logged and recorded.

1.4.4 The overall risk exposure of the organisation is considered during this stage with future applicable controls reducing risk to tolerable and ALARP. The outcome from this stage of the process is recorded in the Risk Assessment.

1.5 Stage 4: Cost Benefit Analysis, ALARP and Tolerability

1.5.1 The aim of assessing and managing marine operations in harbours is to reduce risk to ALARP. The degree of risk for each hazard scenario can be balanced on the following terms against the time, effort, cost, and physical difficulty of taking measures that avoid the risk. The GtGP (DfT, 218) states that: *“If any of these are so disproportionate to the risk that it would be unreasonable for the people concerned to incur them, they are not obliged to do so. The greater the risk, the more likely it is that it is reasonable to go to very substantial expense, trouble, and invention to reduce it. But if the consequences and the extent of a risk are small, insistence on great expense would not be considered reasonable.”*

- 1.5.2 An organisation that requires an NRA to determine if an activity can go ahead or not, needs to define its position of tolerability. Without this known state of risk acceptance, hazard scenarios (and their associated risk) cannot be determined as tolerable or intolerable. Once considered tolerable, the principle of ALARP can be applied. Tolerability must be approached from the perspective of the previously defined receptors of people, planet, port, and property. This is because organisations will have different perspectives on each of the receptors and it is highly unlikely that a risk matrix will be so proportionately balanced that the acceptable risk to people (life) aligns with an acceptable risk to property (damage).
- 1.5.3 Tolerability is a requirement of any risk assessment and must be decided upon by those accountable within the organisation concerned, specifically, in the case of NRAs the GtGP (DfT, 2018) states: *“Risks may be identified which are intolerable. Measures must be taken to eliminate these so far as is practicable. This generally requires whatever is technically possible in the light of current knowledge, which the person concerned had or ought to have had at the time. The cost, time and trouble involved are not to be taken into account in deciding what measures are possible to eliminate intolerable risk.”*
- 1.5.4 The Cost Benefit Analysis process looks to reduce all risks to an ALARP state. If a risk is intolerable, it is imperative that controls are applied until the risk is both ALARP and tolerable. However, if the risk is neither ALARP or tolerable then the organisation will need to carefully consider design and operational parameters before re-assessing.
- 1.5.5 As part of the Cost Benefit Analysis the Risk Assessment and Control Options are presented to those who have the appropriate authority to authorise or reject the proposed further applicable controls. This forms the final stage of the assessment process.

1.6 Stage 5: Decision Making Process

The aim of the previous stage is to reduce risks to ALARP through the addition of further applicable controls. If risks returned from the Cost Benefit Analysis are both ALARP and tolerable, then the decision-making process automatically recommends that the activity is permissible from a risk-based perspective. If a case occurs where all controls and mitigation measures are applied, and a risk is still intolerable then the organisation cannot proceed with the associated activity.

References

Department for Transport (DfT), 2016. Port Marine Safety Code. November 2016

Department for Transport (DfT), 2018. A Guide to Good Practice on Port Marine Operations Prepared in conjunction with the Port Marine Safety Code 2016. February 2018.

International Maritime Organization (IMO) 2018. Revised Guidelines For Formal Safety Assessment (FSA) For Use In The IMO Rule-Making Process. Revision 2, 09 April 2018

Maritime and Coastguard Agency (MCA) 2021. Marine Guidance Note (MGN) 654, Annex 1 'Methodology for Assessing Marine Navigational Safety & Emergency Response Risks of Offshore Renewable Energy Installations (OREI)'. April 2021

DRAFT

BRIDSON Rebecca

From: Oliver Peat <[REDACTED]>
Sent: 24 November 2022 14:42
To: Ben Hodgkin
Cc: Greenwood, Brian
Subject: RE: [EXTERNAL] RE: Letter to ABP - CONFIDENTIAL AND LEGALLY PRIVILEGED

Dear Ben,

Please find below the project teams responses to the email sent from DFDS in early October, we have responded to each query with the text that is in purple. A number of these issues have been discussed in various meetings with DFDS however below are our responses to each item for completeness.

Could I request that you pass this email on to DFDS with our thanks for their continued engagement.

Regards,

Oliver Peat | Development Project Manager | Associated British Ports

2nd Floor | 25 Bedford Street | WC2E 9ES

Mob: [REDACTED] | www.abports.co.uk



From: Jesper Hartvig Nielsen [REDACTED]
Sent: 05 October 2022 15:30
To: Oliver Peat [REDACTED]
Cc: Tom Jaynes [REDACTED]; Timothy Aldridge [REDACTED]; Montgomery Smedley [REDACTED]; Paul Bristowe [REDACTED]; Andrew Firman [REDACTED]
Subject: RE: [EXTERNAL] RE: Letter to ABP

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Oliver,

Immingham Eastern Ro-Ro Terminal (IERRT)

Thank you for your extensive letter of 23 September responding to our serious concerns regarding the IERRT development. We are aware of ABP's desire to submit a DCO application in the coming days and thought it only appropriate to provide a concise written response to your correspondence prior to this submission.

I am also aware that following a recent meeting between Simon Bird and Kell Robdrup that it is the intention for Andrew Firman and Paul Bristowe to travel to Copenhagen for a meeting to discuss the ongoing safety concerns DFDS has with the project. With this in mind I will copy both in on this communication and have highlighted some additional concerns we have at the end of the letter which Andrew and Paul may be able to help with when they visit Denmark.

To assist in addressing your letter I have followed your title nomenclature for sake of clarity.

Supporting Studies

We refute your claim that 'We can confirm that the efficacy of the model was demonstrated by the fact that it replicated the direction of flow that was both anticipated and expected by many of the operators in the room in selected locations in the outer harbour. It is the view of our independent specialist advisors that the hydrodynamic data within the vicinity of the scheme and which underpins the simulation exercise, were within the limits of expected flow directions and speeds of experienced Pilots and PECs.'

DFDS took extensive notes at the HAZID workshop which demonstrate the PEC holders present and even the Harbour Master disagreed with the direction of tidal flow in this area as indicated on your simulations. Indeed the pilots present at the HAZID workshop, who were involved in the simulations, were unable to counter our arguments regarding the tidal flow as upon inspection they had to agree the tide does look incorrect on the simulation analyses provided. There was absolutely no misunderstanding here in that the experts sat in the room, with decades of experience of manoeuvring on the Humber, simply do not accept the tidal model you have used. To ignore this reality based on data from a single set of AWAC readings, to continue in your insistence that your model is correct and your refusal to revisit the data is both bewildering and highly concerning. The extrapolation of a highly localised single dataset and projecting this on a wider area whilst ignoring the experience of the experts and previously published data seems neither prudent nor professional. Whilst we share your enthusiasm for modelling and simulation we trust in the 'real world' experience of highly skilled mariners and their professional opinion DOES NOT support your data.

We note your reliance on HR Wallingford supporting your statement that "the simulations were underpinned by a thoroughly tested and accurate hydrodynamic model". HR Wallingford have stated in report DJR6612-Rt002-R02-00 page 11 2.2.2 that the AWAC data supported their TELEMAC-MASCARET derived model. Once again given the mariners present in the room felt, in their professional judgement, the tidal directions were wrong in the vicinity of the IOT (an assertion we supported at the HAZID meeting with a radar picture obtained that very morning on one of our vessels) that the tidal flows used in the simulations can simply NOT be relied upon.

We have undertaken an additional ADCP survey of the area including transects over the original AWAC buoy and additional transects to the East and West of this location on Neap and Spring tides. This data has been independently analysed by both HR Wallingford and ABPMer and has confirmed the original set of results from the AWAC buoy and subsequent modelling. Therefore we are pleased to confirm that the outcomes of the flow data collected and therefore the modelling and design work that has been undertaken for the IERRT are supported by all available evidence.

Pilotage and Berthing

The supporting extracts from the training manual and notices were simply to demonstrate the direction of tide as previously indicated on HES official documentation rather than any comment on a particular manoeuvre.

We note from the latest HAZID Log disseminated by ABP that the applicant has now decided to relocate the IOT finger pier to the eastern side of the IOT trunkway. Maybe you could provide further details of this ambitious project?

As noted in subsequent meetings, and the supplementary consultation material, the Finger pier is not being relocated as part of the IERRT project. This reflects the outcomes of the HAZID process and subsequent NRA. There is however an allowance for APT Jetty Impact protection to be installed if required - although current indications are that such provision will not be necessary.

AWAC Buoy Information

Having been involved in numerous terminal projects over the years we fail to agree that a single AWAC dataset represents 'best practice'. It is always prudent to have multiple datasets to protect against unforeseen failures in the data gathering equipment, unrepresentative data due to peculiarities of the location and unexpected interactions with localised anomalies. We would simply ask why, if the data is indeed correct, it looked wrong in the eyes of the

professional mariners assembled in the room with their decades of experience on the Humber and in particular the Immingham area?

As mentioned above we are pleased to confirm that additional ADCP surveys have verified the findings of the original AWAC surveys. We would be happy to take you through these findings during the operational navigational simulations at the end of November.

Wind Data

We do not suggest that the anemometer at Immingham was not fully operational, we do suggest however, that given its sheltered location it does not give a true reflection of the wind speed in the outer Immingham area. This is why the river users, including pilots and PECs routinely request the Stone Creek gauge.

The data taken from the anemometer is to understand likely angles of the wind and the percentage of the time that it is coming from those directions. The wind speeds at the anemometer were not used for the modelling as the modelling is set up to reflect the wind speeds desired to establish the edge or maximum operating conditions.

Simulations

Whilst I appreciate you are not a mariner I must correct you on your claim that our Jinling class of vessel are 'relatively manoeuvrable'. These vessels are HIGHLY manoeuvrable and built to handle the unique challenges of Vlaardingen. They are simply not representative of the vessels Stena currently operate on the Humber and most likely the same vessels that will initially run to the IERRT. A prudent strategy in conducting these simulations would have been to try a number of different ship models to establish exactly what ships designs are suitable rather than selecting the best in class and basing your study on this.

Furthermore, you refer to the IERRT berths being designed for a 50 year lifespan. We are not sure what the relevance of the berth lifespan is. Irrespective of the berths lifespan, the vessels to be operated from those berths need to be safe from day 1, which means from the outset that they will need to be at least as manoeuvrable as the vessels used in the simulations – assuming those simulations indicate that such vessels can operate safely, which we don't necessarily accept based on the simulations completed to date.

The simulations that have been undertaken are based on proving that a future vessel is capable of berthing on the proposed IERRT infrastructure and as discussed the Jinling class of vessel has been determined to represent a suitable vessel to model in this regard. As you are aware, it is not our intention simply to stop undertaking navigational simulations. Both during construction and indeed during the operational phase of the IERRT further operational readiness simulations will be undertaken to ascertain the operating parameters of any other vessel that could use the IERRT. This is an industry standard approach given the changing of fleets throughout the operational lifespan of infrastructure. To illustrate this, the upcoming operational navigational simulations for the facility will be undertaken for the Stena T Class vessel – the likely first vessel to use the facility.

Methodology

It is the opinion of our experts that the mixed methodology chosen does not represent best practice but as it is clear we are not in agreement here we will await your formal submission to pursue this point further.

We would however take issue with your claim that the MCA endorsed your methodology. In their letter of 13 October 2021 there is no comment regarding the methodology to be used but merely a direction to consult both the Port Marine Safety Code (PMSC) and the Guide to Good Practice. I would refer you to section 4.3 of the GTGP which directly references the IMO methodology and makes no mention of the OREI methodology.

ABPmer has laid out the methodology which follows the Port Marine Safety Code and its Guide to Good Practice on Port Marine Operations. This has been used in the Hazard Identification (HAZID) and to create the NRA. The methodology contains five stages which are also identified in the IMO guidelines.

Risk Assessment Tool

As stated, we understand that ABP have previously used the MARNIS software for risk assessment on the Humber and indeed other ABP ports nationally. The use of a recognised and widely used software package for the NRA process gives an element of objectivity, independence and credibility that would also be consistent with how previous risk assessments have been conducted on the Humber. We do not contest the validity of the two methodologies chosen by ABPmer but are of the opinion that the OREI methodology is not appropriate to a harbour area when the PMSC/IMO methodology is available. The precise methodology used is unclear due to combining the two which present risk in different ways (one quantitatively one qualitatively). We are also of the belief that using 'risk descriptions' can create unintended justification for an unsafe situation simply through the language used in the assessment rather than producing a risk score which can only be understood as intended.

ABPmer has laid out the methodology which follows the Port Marine Safety Code and it's Guide to Good Practice on Port Marine Operations.

Duty holder, descriptors and measure of ALARP

Again it appears we are at an impasse with regards to the independence of the process. The fact that the applicant is the parent company for both the marine consultancy company engaged in the project and the Harbour Authority for the area cannot be denied. Again we can address this point further at application stage.

As has has been addressed in previous communications, the role of Duty Holder is explicitly independent of the port operator.

Mitigation

Again we welcome your decision to 'move the IOT finger pier to the east side of the trunkway' and as previously stated await details of this project.

As set out in the supplementary consultation the IERRT project are not proposing to relocate the Finger Pier.

Changes to project

To date the project has

1. Had the orientation of the berth dramatically changed
2. Had the separation from the IOT finger pier changed
3. Had the number of berths changed from 4 to 3
4. Had the method of construction changed to construction/operation
5. It would now appear the IOT finger pier is to be moved as per the HAZID log you recently disseminated.

Given the above we stand by our assertion that we have been presented with "constantly changing plans". It is also our opinion that these changes are not, as you suggest, "minor" but are clearly of a substantial nature that represent fundamental revisions to the IERRT design.

The above changes have been reviewed and included within the supplementary consultation along with a full explanation of each of these changes.

Overlooked Risks

Due to the unacceptable risk the proximity of the IOT finger pier presented it was obviously the focus of the risks we managed to address at the HAZID meeting however we still maintain that this meant the substantial risks of the East Jetty were not given time to be discussed, debated and reflected upon. Email consultation is never as valuable as having stakeholders together in a room.

The East Jetty was discussed in the HAZID workshops and it was agreed that any issues arising in connection with that jetty should be taken into account in the consideration of any other risks as may be appropriate, such as the risk of allision with Ro-Ro vessel and existing infrastructure. The most likely and worst credible scenarios were considered for each such risk and it was collectively agreed that with these risks it was more likely to occur in

conjunction with the IOT finger pier than the East Jetty. Therefore, the East Jetty Risks have not been overlooked, it just did not constitute the highest risk when considering each individual scenario. Further, during consultation the risks CO.7 and O.9 (Ro-Ro arriving/departing Immingham Eastern Ro-Ro terminal with a tanker berthed on eastern jetty) were in fact added at the request of DFDS, the risks were then sent out for consultation via email as was the described procedure for risks raised after the workshop and for risks that were not covered (due to time) over the two days of the workshop.

Our Additional Concerns

As previously mentioned in order to facilitate a productive meeting with Andrew and Paul in Copenhagen we would also like to raise the following additional concerns we have.

Towage

In the simulation exercise conducted by HR Wallingford it was identified that specific tugs would be regularly required to assist in berthing vessels at the IERRT possessing both high power ($\geq 60T$ BP) and of compact design ($\leq 25m$ LOA). Given that there are only 2 tugs in each fleet servicing the Humber area with these specifications, what systems will be in place to ensure these tugs are always available to Stena vessels utilising the IERRT?

With every change within a live port the changes to availability of port equipment is considered by both internal (Stena) and external companies (such as Svitzer) to cover the new opportunities. It would be expected that between now and operational go live those commercial discussions would be held between relevant parties to ensure the correct availability of supporting equipment to service the requirements of the whole port.

Tidal Changes

What studies have been conducted to evaluate the changes to tidal flow in the Immingham area and have these changes been simulated to assess the impact the changes may have to traffic using the other Immingham terminals and dock?

A full physical processing modelling exercise has been undertaken which will form part of the Environmental statement that supports the DCO application.

Simulations

Simon Bird indicated in his recent meeting with Kell Robdrup that ABP intends to repeat the simulations for IERRT with more appropriate vessel models. We would be keen to attend these simulations (as APT have previously done) in order to better understand the process and the 'limits' under which you propose they will be permitted to operate.

This has been discussed and agreed under separate correspondence with additional operational phase simulations arranged for later this month.

Lock Productivity

What impact will the IERRT have on the productivity of the lock given that IERRT traffic and dock traffic will not be able to operate simultaneously? Additionally, will tidal traffic to Immingham dock and outer jetties continue to receive the space and time needed to operate safely in the confines of the Immingham area?

Both of these issues will be managed by HES and VTS as discussed at the HAZID. The Port of Immingham and the Humber Estuary as a whole operates some way below its peak vessel movements potential due to the ongoing trend of vessels increasing in size and efficiency and therefore requiring less visits to the port to service the existing and future demands.

We hope this letter goes some way to clarify any misunderstandings you may have had following receipt of our previous letter and look forward to meeting with Paul and Andrew in the near future. We attach our final comments

regarding the HAZID log RA comments and, unless you wish to engage further on any of the issues raised – which we would be very happy to do in an effort to see whether you can address further any of the concerns we and other consultees have raised - will now await your formal submission to pursue our concerns further and are still awaiting a response on our e-mail to Harry Aitchison, attached as reference.

Best regards / Med venlig hilsen

Captain
Jesper Hartvig Nielsen
Head of ferry operations,
Equipment Center & Terminal Excellence
Fleet management



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IMMINGHAM EASTERN RO-RO-TERMINAL PROJECT

PINS REFERENCE TR030007

RESPONSE TO SUPPLEMENTARY CONSULTATION FROM DFDS

1. This is a response from DFDS to ABP's supplementary statutory consultation exercise held in October-November 2022 for its proposed DCO application for the Immingham Eastern Ro-Ro Terminal.

About DFDS

2. DFDS is an international shipping and logistics company and one of the largest users of the Port of Immingham, with around 1000 employees involved in its operations there, both ferry-based and landside.

Navigational safety

3. DFDS remains seriously concerned about the risks to navigational safety from the proposal, the assessment of which has been based on incorrect data, simulations and workshops that were incomplete and are now out of date.
4. The concerns about incorrect data are:

Incorrect tidal flow assumptions:

- a. DFDS' marine experts consider that the tidal data used in ABP's simulation exercises is not an accurate representation of the actual tidal flow in the area. With decades of experience on the Humber our highly experienced Captains find the tide as represented in the simulation reports is at odds with their day-to-day experience and contrary to the physical effects they witness in the Immingham area on a daily basis. This concern was echoed by numerous stakeholders at ABP's HAZID workshop events.

Inadequate wind and current measurements:

- b. ABP has chosen to rely on data from a single source for both wind and current data. The wind source data is provided from readings taken from the Immingham Marine Control Centre. It is widely accepted by mariners trading on the Humber and by local pilots that the anemometer at the MCC is in a sheltered location and therefore not truly representative of the wind flows experienced in the wider Immingham area. Mariners commonly take data from both Immingham MCC and the unsheltered 'Stone Creek' gauge in order obtain a more accurate estimate of wind speed in the outer Immingham area and we are of the belief that ABP should have done the same. Additionally tidal flow data used in the simulations has also relied upon data taken from a single location survey. It is highly irregular for any marine development to rely on a single current dataset and it is our belief that in doing so ABP has created the situation outlined in paragraph a.

Wind shadowing:

- c. The phenomenon caused when a vessel passes from an area in which she is exposed to the wind to an area which is sheltered (commonly by structures or moored vessels) is known as 'wind shadowing'. The phenomenon creates an unpredictability that the navigator has to attempt to compensate for extemporaneously. The location of the proposed development combined with the size of vessels that will use the berth creates highly complex and unpredictable wind effects that will make manoeuvres to and from both the IERRT and especially the Immingham Oil Terminal Finger Pier highly challenging. Despite this ABP and their experts at HR Wallingford failed to incorporate the wind shadowing effect into any of the marine simulations again rendering them unreliable and the manoeuvres significantly easier than if they had been included.

Use of DFDS Jinling manoeuvrable vessels rather than the vessels that will actually use the new facility:

- d. ABP has chosen to date to use the DFDS Jinling model in their simulation exercises despite the fact that such vessels will never operate from this terminal. The Jinling class are a highly manoeuvrable vessel constructed and equipped with enhanced machinery to cope with the specific challenges found in one of our other ports rather than for the Humber. As such these vessels are effectively 'over-engineered' for the Humber marine environment and certainly not representative of the type of vessels that will utilise this berth. By using what is effectively the 'best in class' vessel for their marine simulations ABP has underestimated the challenges inherent in the new terminal's location and design. DFDS are of the opinion that given the complexity, location and associated surrounding dangers coupled with the significant potential financial investment in terminal construction that ABP should commission representative models of the vessels that will utilise the terminal to better understand the risks involved.
- e. Whilst we appreciate that ABP have recently indicated they will be simulating a different vessel model (Stena T Class) in forthcoming simulations, at the time of this response no report has been made available. We also note that these vessels are significantly smaller than the Jinling class vessels, and smaller than the advertised vessel capacity of the berth.

Unrealistic use of machinery:

- f. Despite utilising what is arguably the 'best in class' RO-RO vessel model in the simulation exercises the simulation reports indicate unrealistic levels of power were needed to achieve successful results in the exercises. In some exercises the bow thruster units were run continuously at 100% for 13 minutes. Our experienced Jinling Captains have confirmed such actions, whilst being impossible to achieve safely in reality, are not indicative of a 'safe manoeuvre' and instead suggest a vessel on the verge of being out of control. In addition to the unachievable nature of the simulations the effect of using such massive amounts of power would render the tugs used in the simulations effectively useless and quite likely to seriously compromise the safety of the tug and her crew. Given that the effect of the turbulent water (wash) was not accounted for in the simulations again made the results wholly unrepresentative of the navigational difficulties inherent in any use of the proposed development.

Underestimating the of level of pilotage and towage required:

- g. Utilising the most experienced pilot on the Humber combined with the most powerful and compact tugs on the estuary has rendered the simulations wholly unrepresentative. It is obvious that ABP will be unable to call upon their most experienced pilot to carry out every vessel manoeuvre to the new terminal and a variety of pilots of the appropriate rank should have been involved to more realistically gauge the challenges posed by the new terminal. It is worth bearing in mind that despite utilising the most experienced pilot the simulations were far from straightforward as detailed in point e.
- h. The simulations also used the most capable tugs available on the Humber possessing both high power and compact dimensions which is essential for manoeuvring successfully to the inner berths where space is at a premium. The fact remains that only four tugs (from two different companies) of such design currently provide towage services on the Humber. Given that these companies do not work together this would leave the customer reliant on engaging the services of two specific tugs for each and every manoeuvre that requires towage. This situation is unrealistic and DFDS is of the opinion that ABP should have used a variety of tugs to appreciate the difficulties that lower powered or larger hull dimensions would cause to safe manoeuvring.

Use of two risk assessment methodologies simultaneously:

- i. ABP's consultants, ABPmer, have chosen to mix two different methodologies for completing the Navigational Risk Assessment namely the International Maritime Organisations Formal Safety Assessment ("IMO FSA") model and the Maritime and Coastguard Agency's Offshore Renewable Energy Installation model. The use of two methodologies in a Risk Assessment is flawed. The former assesses risk quantitatively and the latter qualitatively. By combining the two the whole process is muddled and it is the opinion of DFDS that by doing so ABP has been able to downplay the risk inherent in this proposed development. Given that the development falls wholly within a harbour area, has no connection with Offshore renewable energy and is purely for the purposes of maritime trade it is the opinion of DFDS that the IMO FSA methodology should have been solely used.

Immingham Oil Terminal ("IOT") Trunkway Protection

- 5. Collision protection for the IOT is now included but not currently proposed. The application should make sure it is clear what will trigger the installation of the protection. If it is an accident or near miss that will trigger it that is highly unsatisfactory – such events should be avoided in the first place. The protection should not be counted as environmental mitigation until it is clear when it would be installed. ABP's recent, if somewhat late, attention to possible protection of IOT is understandable given the very significant risks to port wide operations and the environment which any contact with that existing facility would give rise to, however, no mention is made about potential impact with the Eastern Jetty. Given the sensitive location of the proposed IERRT adjacent to both the IOT and the Eastern Jetty, both of which handle highly flammable, toxic and potentially polluting products, we would expect ABP would be carefully and rigorously scrutinising every element of the IERRT proposal before submitting its application.

6. The collision protection is welcome but it is not protecting the most vulnerable part of the IOT affected by this project, which is the finger pier. Mitigation was suggested for this consisting of moving it to the other side of the main jetty, but that does not appear to be being proposed and in any event would now conflict with ABP's other proposed DCO, the Immingham Green Energy Terminal.
7. Given the latest configuration of the berths and jetties the previous simulations and hazard workshops, which were themselves inadequate, ought to be re-run. Stakeholders were not able to see or discuss this potential protection at any stage of the Navigational Risk Assessment. As an example, the register of risks and mitigations contained mitigations such as moving the finger pier that are not being taken forward, so cannot be taken into account. We understand that the simulations are being rerun, but after the end of this consultation. The results of these should be taken into account in the DCO application.

River congestion

8. The frequency and length of time vessels using the IERRT will take to manoeuvre to arrive at and leave from the new berths is likely to have a significant impact on the ability of other users of the Port of Immingham to come and go from their berths both in-dock (given potential impact on the approaches to and from the lock-gates) and those located in-river, including the Outer Harbour that is used by DFDS in particular. This does not appear to have been assessed at all at present and is a significant impact that should be included in the environmental statement.

Land-side congestion

9. Congestion into the dock will have an impact on the whole operation of the dock, causing a detrimental commercial effect on dock users. We would expect ABP to show what impact the increased congestion from the project will have on the wider Immingham area but they are yet to do so. While an additional lane is to be added outside the East Gate, it is not clear whether this will reduce the congestion caused by the additional vehicles that the IERRT will bring to an acceptable level. Removing one bottleneck at the East Gate may create bottlenecks elsewhere and the free flow of traffic both inside and outside the port estate need to be demonstrated by ABP. An example of other potential bottlenecks due to re-routing is the likely greater proportion of vehicles rerouted on the A160 corridor due to:
 - a. Signage and suitability of roads;
 - b. Existing behaviours associated with Stena operations at Killingholme; and
 - c. The HGV refuelling station.
10. ABP have not taken into consideration any increase of traffic at the West Gate whatsoever, instead presuming that all increased vehicle movements will use the East Gate. Firstly, the East Gate will not be able to handle the proposed number of vehicle movement (660,00) at peak times in the early morning and early evening. Although there will be an additional lane, there will still only be one gatehouse, which will not sufficiently ease the congestion problems around the East Gate caused by the increased vehicle movements. Secondly, some of the increased vehicle movements will still pass through the West Gates as that is the location of the haulage yards. ABP's strategy of using increased signage to encourage use of the East Gate is not adequate to avoid congestions at the West Gate as well as the East Gate.

11. Five junctions are forecast to operate over their capacity in 2032 once the ABP development flows are considered alongside the committed developments. These are:
- a. A160 Humber Road/ Eastfield Road Junction;
 - b. A160 Humber Road/A1173 Manby Road Roundabout;
 - c. A1173/ New Site Access Roundabout;
 - d. A1173/ Kiln Lane Roundabout; and
 - e. A180/A1173 Roundabout.
12. These forecast congestions will have negative environmental effects and negative commercial impacts on other port users and cause congestion for the residents of Immingham. DFDS is of the view that further road improvements should be included to eliminate the impacts of HGVs and other vehicles on local roads.

Ecology

13. The supplementary consultation refers to two new ecological enhancements, one to the east of the port at Long Wood and one on the north bank of the Humber at Skeffling. It is not clear whether these are to compensate for harm to protected habitats or to provide Biodiversity Net Gain ("BNG"), or both. If the former, it should be demonstrated that the birds using the habitat that is being lost will be able to use the new habitat and it is a like-for-like replacement. If the latter, the requirement for NSIPs as set out in the Environment Act 2021, is that the habitat will have to have been provided since 30 January 2020 to count, and so long-standing habitat banking would not (although it is not yet a statutory requirement to provide BNG). It is also not clear what the value of the enhancement to Long Wood would be and how many biodiversity units would be lost and gained – this should be set out in the Environmental Statement.

Cumulative impacts

14. ABP is proposing another DCO, for the Immingham Green Energy project. The cumulative impacts of these two projects should be assessed in the environmental statement.

From: Jesper Hartvig Nielsen

Sent: 6. december 2022 07:06

To: Ben Hodgkin [REDACTED]

Cc: Paul Bristowe [REDACTED]

Subject: RE: [EXTERNAL] RE: Proposed Immingham Eastern Ro-Ro Terminal

Dear Ben,

Thank you for below.

Currently I have a lot of travel activities.
When we have received the report from the last simulations then lets follow up.

Great day to you both.

Best regards / Med venlig hilsen

Jesper Hartvig Nielsen

From: Ben Hodgkin [REDACTED]
Sent: 24. november 2022 15:55
To: Jesper Hartvig Nielsen [REDACTED]
Cc: Paul Bristowe [REDACTED]
Subject: [EXTERNAL] RE: Proposed Immingham Eastern Ro-Ro Terminal

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Dear Jesper,

Many thanks for your note – this was a useful prompt to provide an update following our meeting in October.

I have extracted the notes from that meeting in to the table below so that I could provide an update against each action.

I think in doing this I have picked up the points in your email below but please flag anything I have missed.

Thank you for making yourself available to attend the navigational simulations next week – I am afraid I will not be able to attend but Paul will be there and I look forward to hearing your feedback following the runs.

Perhaps we should schedule a catch up Teams call for the following week (w/c 05 Dec) to capture this, and also pick up any follow up actions below? If this would suit, please just advise preferred dates/times.

Many thanks,

Ben

Topic area	Notes from discussion (13/10)	ABP update (24/11)
1. Design changes	<p>ABP explained their view that design development is an expected part of the design process and efforts have been made to engage all stakeholders during the process.</p> <p>ABP acknowledged DFDS's frustrations with the communication approach to date and are seeking to use this meeting as an opportunity to reset the relationship.</p>	<p>As communicated at the end of October a supplementary round of consultation is underway and we welcome DFDS's engagement in this process.</p> <p>The supplementary consultation material explains the rationale for the evolution of the scheme since the first round of statutory consultation in January.</p>

	<p>ABP confirmed that no decision had been taken to relocate the finger pier - this was included in the HazLogs as it was discussed as a potential control measure during the Hazid workshops.</p>	<p>Picking up your question in your email below, we confirm that this does not include relocation of the IOT finger pier.</p>
<p>2. Tidal Data</p>	<p>ABP to feedback on outcome of additional data calibration.</p>	<p>We are pleased to confirm that the additional data calibration surveys have now been completed. As set out in Oliver's email attached, this additional calibration shows good alignment and supports the hydrodynamic model that has been used on the project to date. The project team will be happy to cover the specifics of this in more detail as part of the navigational simulations next week.</p>
<p>3. Simulation</p>	<p>ABP to confirm next steps and timings for additional simulation runs taking consideration of DFDS's observations.</p>	<p>As per our separate correspondence these additional operational simulation runs have been arranged for next week, commencing 28 November, and have taken account of feedback from DFDS and other port users.</p> <p>These additional simulation runs are focused on refining the governing parameters and operational windows for the facility, rather than informing any new HAZID and NRA process.</p>
<p>4. NRA methodology</p>	<p>Agreed to facilitate a direct conversation between the consultants to discuss methodology in a workshop environment.</p>	<p>Please find attached the NRA methodology that will be included in the Environmental Statement for the project. If it would be helpful to arrange a call with your consultants and ABP Mer to discuss this once they have reviewed please just let me know.</p>
<p>5. Commercial and operational workshop</p>	<p>Agreed to arrange a commercial/operational workshop to understand</p>	<p>We would be pleased to arrange a commercial/operational workshop to set out how the</p>

	possible implications of project on existing operations.	vessel arrivals and departures will be managed once IERRT is operational. This will be much like any other From ABP's side this would be led by Chris Bowlas with input from Paul and the marine team. I have asked Chris Bowlas to liaise with Andrew Byrne to arrange a date for a workshop.
6. Correspondence	<p>Agreement that ABP would provide a response to the Oct 05 email and then arrange a follow up meeting to discuss next steps.</p> <p>ABP Mer to respond to DFDS correspondence and then arrange follow up with workshop with NRA consultants to discuss methodology.</p>	<p>Please see attached a response from the Oliver and the project team, a number of the points are also covered in this email.</p> <p>I have followed up with ABP Mer on this point who have confirmed that the comments were included alongside all other stakeholder feedback within the ES chapter. They are addressed in the NRA in the ES Chapter Table, however they did not inform any change within risk analysis/assessment.</p> <p>My suggestion is that we pick up any points that would benefit further discussion following the additional navigational simulations next week (see my suggestion of a Teams call w/c 05 Dec).</p>

Ben Hodgkin | Group Head of Projects | Associated British Ports

25 Bedford Street | London | WC2E 9ES

Mob: [REDACTED] | www.abports.co.uk



From: Jesper Hartvig Nielsen [REDACTED]
Sent: 22 November 2022 06:45
To: Ben Hodgkin [REDACTED]
Cc: Paul Bristowe [REDACTED]
Subject: Proposed Immingham Eastern Ro-Ro Terminal

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Ben

DFDS are pleased that you have responded to our calls for a further consultation given the number of changes to the IERRT project since the previous consultation and that this is now under way, to which we will of course be making submissions.

While we await a response to our email to Oliver Peat of 5 October we have a few additional points to make.

It is not clear whether the IOT finger pier is being moved from the western to the eastern side of the main jetty, as suggested as possible mitigation in the HAZID workshop documentation, please could you clarify?

We hope that you will allow sufficient time to consider the consultation responses before making your application, but also that you will rerun the simulations and HAZID workshop, where the issues like the current, wind shadowing and propeller wash which were identified at the meeting on 13 October, have been included in the model, to feed into the Navigational Risk Assessment that we expect to form part of your application.

At the recent meetings we have held with you, you have said that you will look into doing this so I hope that this will be the case, otherwise your assessment of navigational risk, which is probably the most significant issue about this project, will not be sufficiently robust.

Although not primarily a safety issue, there will also be an economic impact on existing port users from congestion caused by these new vessel movements within the Port of Immingham, particularly those who need to transit the Lock. This clearly needs to form a significant part of your assessment, as In Dock operations play such an important part of the Port of Immingham's overall business. Unfortunately, it appears to have been completely omitted to date.

We would be pleased to participate in a commercial workshop to consider how the inevitable alterations to vessel scheduling protocols at Port of Immingham post development of IERRT, will affect all the existing users of the Port, and Andrew Byrne is taking the lead on this aspect.

Wish you a great day.

Best regards / Med venlig hilsen

Captain
Jesper Hartvig Nielsen
Head of ferry operations,
Equipment Center & Terminal Excellence
Fleet management



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From: Ben Hodgkin [REDACTED]
Sent: 23. januar 2023 17:17
To: Jesper Hartvig Nielsen [REDACTED]
Cc: Paul Bristowe [REDACTED]
Subject: RE: [EXTERNAL] RE: Proposed Immingham Eastern Ro-Ro Terminal

CAUTION: This is an external email - check sender address and use caution before you click links or open attachments. Please report suspicious emails.

Dear Jesper,

It appears the file size is too large to share directly by email. I have therefore created the below link which I hope you will be able to access:

 [DJR6612-RT008-R02-00 – Stakeholder Demonstrations.pdf](#)

Please let me know if you have any trouble accessing this.

Many thanks,
Ben

Ben Hodgkin | Group Head of Projects | Associated British Ports
25 Bedford Street | London | WC2E 9ES
Mob: [REDACTED] www.abports.co.uk



From: Ben Hodgkin
Sent: 23 January 2023 16:02
To: Jesper Hartvig Nielsen [REDACTED]
Cc: Paul Bristowe [REDACTED]
Subject: RE: [EXTERNAL] RE: Proposed Immingham Eastern Ro-Ro Terminal

Dear Jesper,

Further to the below, please find attached the report from the simulations run in November last year.

As before, we would be very happy to arrange a meeting or call to run through any queries or comments you have following your review, please just let me know.

Many thanks,

Ben

Ben Hodgkin | Group Head of Projects | Associated British Ports

25 Bedford Street | London | WC2E 9ES

Mob: [REDACTED] | www.abports.co.uk



From: Ben Hodgkin

Sent: 16 January 2023 21:56

To: Jesper Hartvig Nielsen [REDACTED]

Cc: Paul Bristowe [REDACTED]

Subject: RE: [EXTERNAL] RE: Proposed Immingham Eastern Ro-Ro Terminal

Dear Jesper,

Thank you for your note, and also a belated very Happy New Year to you too.

My apologies regarding the below, I have picked up with the team and will share the report shortly.

Many thanks,

Ben

Ben Hodgkin | Group Head of Projects | Associated British Ports

25 Bedford Street | London | WC2E 9ES

Mob: [REDACTED] | www.abports.co.uk



From: Jesper Hartvig Nielsen [REDACTED]

Sent: 12 January 2023 14:08

To: Ben Hodgkin [REDACTED]

Cc: Paul Bristowe [REDACTED]

Subject: RE: [EXTERNAL] RE: Proposed Immingham Eastern Ro-Ro Terminal

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Ben,

First of all a Happy New Year to you and I do hope you have had a good start into 2023.

IMMINGHAM GREEN ENERGY TERMINAL

PINS REFERENCE TR030008

RESPONSE TO STATUTORY CONSULTATION FROM DFDS

- 1.1 This is a response from DFDS to ABP's statutory consultation for its proposed DCO application for the Immingham Green Energy Terminal ("IGET").
- 1.2 DFDS is an international shipping and logistics company and one of the largest users of the Port of Immingham, with around 1000 employees involved in its operations there, both ferry-based and landside.
- 1.3 DFDS has responded to both statutory and supplementary consultations for ABP's other DCO application for the Immingham Eastern Ro-Ro Terminal ("IERRT") (PINS Reference TR030007) and expressed our concerns with that proposal around navigational safety, trunkway protection around the Immingham Oil Terminal ("IOT") and land-side congestion among other matters. Our response to this proposal is focused around how those areas of concern for the IERRT are exacerbated by the IGET and that the mitigation for the cumulative effect of both projects, where identified in IGET consultation materials, is insufficient. Although the IERRT application was withdrawn on 1 February we raise the issues below in anticipation of its imminent resubmission as indicated by the Applicant's letter of 1 February 2023 published by PINS.

2 Absence of IERRT depicted on any visual materials

- 2.1 The IERRT structure is omitted in every visual representation in the IGET materials. The IERRT DCO may now be at the pre-application stage again, but the omission of the proposed structure misleadingly underplays the possibility of marine congestion in the area during both construction and operation should the two projects go ahead and the consequential safety risks in the vicinity of the jetty on the marine side of the IGET.

3 Cumulative effects

- 3.1 There is inconsistency in the IGET consultation materials, particularly between the PEIR and the documents intended for general local audiences in how they consider the impact of the IERRT alongside the IGET. For example, the Statement of Community Consultation says that IERRT "is a separate project unrelated to the IGET project and the IGET team will make this clear in all materials and correspondence with stakeholders and the public." This approach underplays the significance of the cumulative effect of the two projects taking place in such close proximity and does not reflect the approach which is better set out in the PEIR which correctly identifies the IERRT as the development in the area with the greatest potential to lead to significant cumulative effects (PEIR Volume 1 Non-Technical Summary at 5.21.) and notes that the two projects are in close spatial proximity with the potential for their construction programmes to overlap.

4 Navigational Safety – the finger pier

- 4.1 Mitigation for the most vulnerable part of the Immingham Oil Terminal (“IOT”) trunkway in the IERRT proposal suggested moving the most vulnerable part of the trunkway, the finger pier, to the eastern side of the main jetty. The IGET prohibits this as a mitigation option as it is in the same space. The IGET proposals consider that there are not likely to be significant cumulative effects in relation to the IERRT when considered together with the IGET for Major Accidents and Disasters and so provides no mitigation for what could be a potentially environmentally and commercially disastrous incident between a vessel and the IOT trunkway as it handles flammable, toxic and potentially polluting products which would affect all users of the port and could affect the operation of critical national infrastructure. This is a major safety concern and alternative mitigation needs to be provided in the IERRT DCO application that does not involve moving the finger pier, as the IGET proposal negates that option.

5 Navigational Safety - methodologies

- 5.1 The IGET proposes to use the International Maritime Organization FSA methodology and the Port Marine Safety Code to complete the Navigational Risk Assessment. The IGET consultation materials describe this methodology as ‘best practice’ for port marine operations and the preferred approach of the Maritime and Coastguard Agency. This only serves to bolster our concern that using mixed methodologies in the IERRT proposals is a flawed approach, which we expressed in our response to the supplementary consultation to the IERRT. It is unclear why the Applicant would use different methodologies across these two projects and we suggest they reconsider their approach to IERRT.

6 Marine navigation and congestion – tug availability

- 6.1 We have further concerns that marine navigation has not been considered cumulatively, in particular tug availability which is likely to be made more in demand by the IGET. If tugs are not so readily available to service the vessel movements on the IERRT and the IGET this will add to marine congestion and create delays in the vicinity.

7 Marine ecology

- 7.1 The value of the ecological enhancements proposed for the IERRT have not been made clear and nothing has been further suggested in assessing the cumulative effect of both projects.

8 Traffic and Transport

- 8.1 The hydrogen produced as outlined in the IGET is going to be taken away from the facility by road tanker which will create a cumulative effect along with the traffic issues of the IERRT and other IGET traffic (e.g. during construction).
- 8.2 2,200 additional HGVs are expected to use the East Gate for IERRT. We have expressed our concerns that the mitigation measures for the IERRT are insufficient, and we disagree with the statement in the IGET PEIR that these mitigation effects will reduce effects on a transport

network to a level which is not significant; instead it will have unacceptable impacts on port users as well as local residents and businesses. Another 195 HGV movements a day during construction and 98 HGV movements a day during operation of the IGET will exacerbate this further and no additional mitigation has been proposed.

9 Conclusion

- 9.1 We remain extremely concerned that the safety risks, in particular around the IOT trunkway have been scoped out of assessment are not being considered in cumulative effect.
- 9.2 Mitigation is needed to address the cumulative effect which the IGET will have with the IERRT and robust measures need to put in place before IGET can go ahead.

From: Jesper Hartvig Nielsen [REDACTED]
Sent: 16 February 2023 14:30
To: 'Ben Hodgkin'
Cc: 'Paul Bristowe'
Subject: RE: [EXTERNAL] RE: Proposed Immingham Eastern Ro-Ro Terminal

Dear Ben

Immingham Eastern Ro-Ro Terminal (IERRT)

I am writing in response to the report from the re-run simulations held at the end of November 2022. We remain concerned over two key areas of the simulation reports (dated 23 December 2022, but sent to us on 23 January 2023) which I set out as follows:

Only simulations from Berth 1 are included in the rerun simulation report

We are concerned that only simulations from Berth 1, and not Berths 2 and 3, are included in the simulation report. We understand the intention of this decision is to evidence mitigation measures for emergency situations. However, we find that an inadequate explanation. We take this view because, firstly, the only measure deployed was the dropping of anchor which in our view is an emergency response rather than a mitigation measure. Secondly, there are many safety implications of Berths 2 and 3, being closer to the intertidal foreshore, which are seemingly disregarded by this decision not to include any simulations run on these berths in the report. Additionally, no mention has been made of how close vessels are getting to the East Jetty operations whether they are arriving or departing from Berths 1,2, or 3.

We appreciate that we were asked to bring inputs to the simulation runs but would expect that runs with additional measures and using different vessels have been made on Berths 2 and 3 and were surprised they were not included in the report. Only using simulations from Berth 1 in the report does not address the safety concerns around the two additional berths proposed in the IERRT.

Use of tidal data

We continue to have serious concerns about the validity of the tidal model that is being used for the IERRT simulations. DFDS has previously communicated the ongoing issues with how the tidal flows within the HR Wallingford model appear to conflict with our considerable real-world experience in the areas around the IOT main face and Immingham bellmouth areas.

We appreciate that extra measures around the tidal flow have taken place, and that during the simulations in end of November considerable time was spent discussing and explaining the tidal flow once again. However, as I describe later in this email, after testing the current against a picture taken by our captain on a live situation, we continue to have doubts over the validity of the tidal model used.

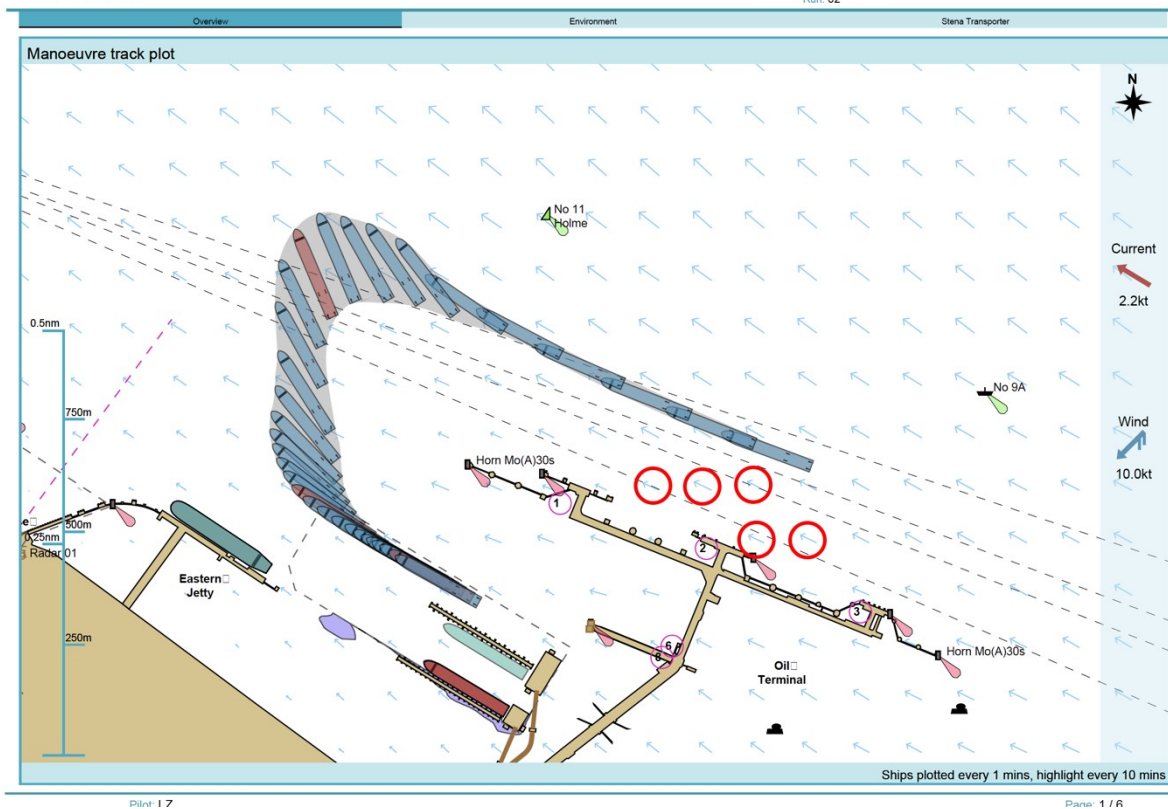
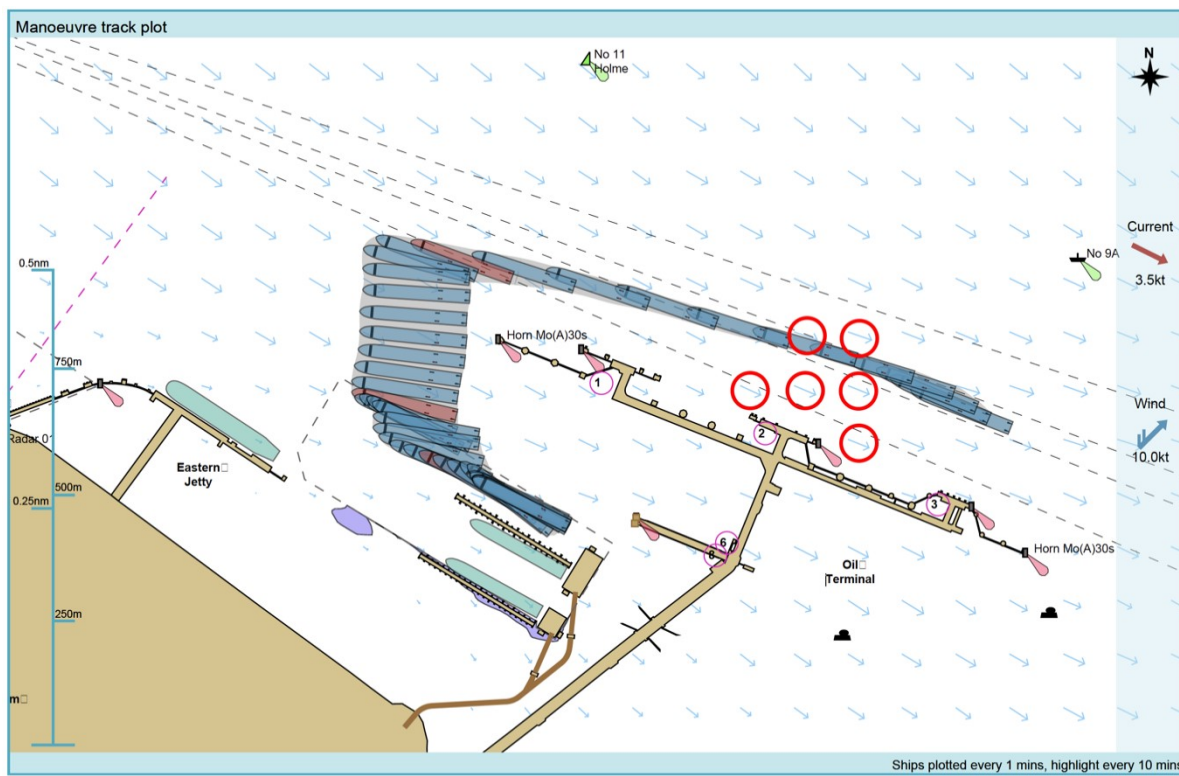
The Harbour Master, Andrew Firman, also expressed surprise at the tidal modelling expected in this area at the second HAZID workshop. Despite this, little appears to have been done to address these significant issues. With reference to the latest simulations carried out at HR Wallingford I would like to draw your attention to the tidal flow arrows in a number of key areas as follows:

1. IOT 2

It is commonly accepted by mariners and pilots regularly transiting the Humber, and in numerous HES documents and publications, that the flood tide sets vessels heavily off IOT 2. The flood tide is so pronounced in this area that there have been several incidents of vessels parting lines whilst letting go and guidance has been issued to address this. Conversely, the ebb tide is recognised to set vessels heavily onto the IOT and again this has been the cause of a number of incidents of heavy landings and again HES guidance issued to warn mariners of the danger of the ebb tide in this area.

Consulting the most recent simulation report DJR6612-RT008 R02-00 dated 22 December 2022 I would like to draw your attention to simulation playback images on pages 45 and 52 displaying berthing attempted on a spring ebb and spring flood tide respectively. It is clear in both of these images that the tidal model on both ebb and flood tides is

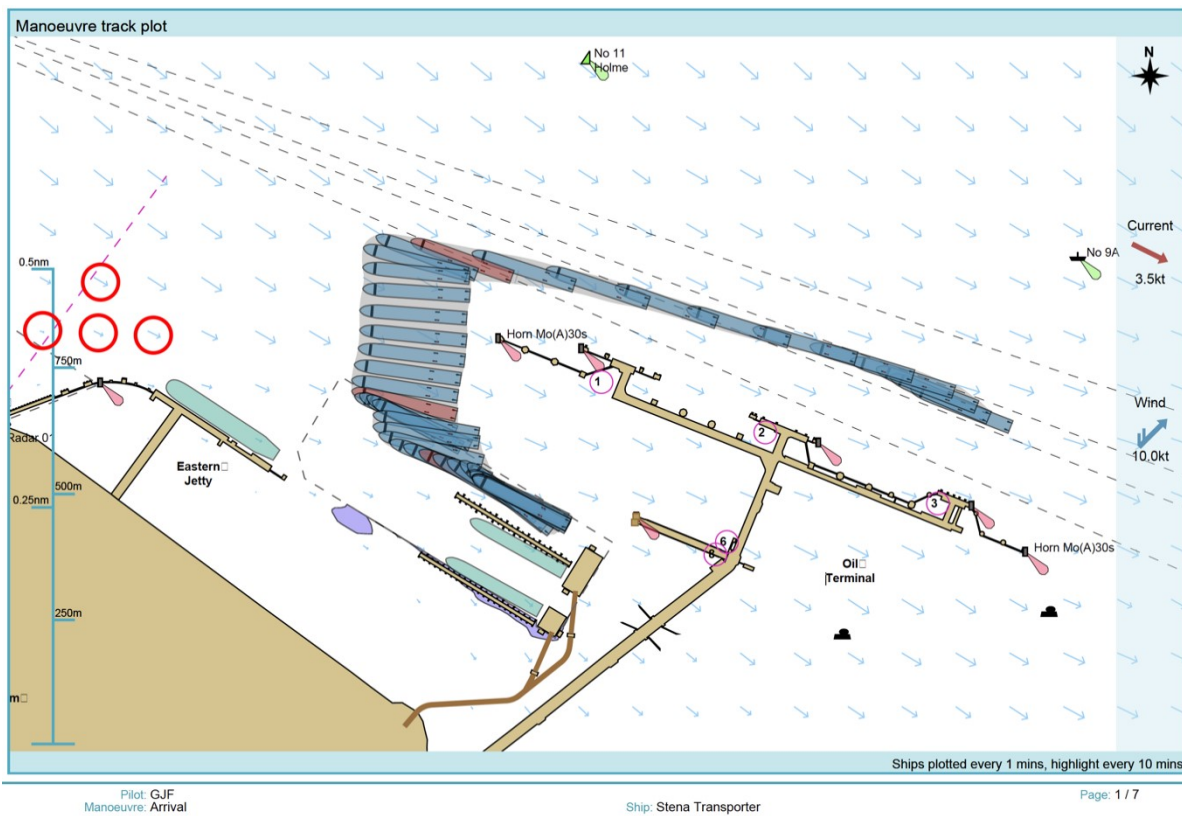
running parallel to the berth (highlighted by us with red circles below) which is completely at odds with the HES guidance issued in this area and with the real-world experience of not just our professional mariners but all Humber users.



2. Immingham Bellmouth

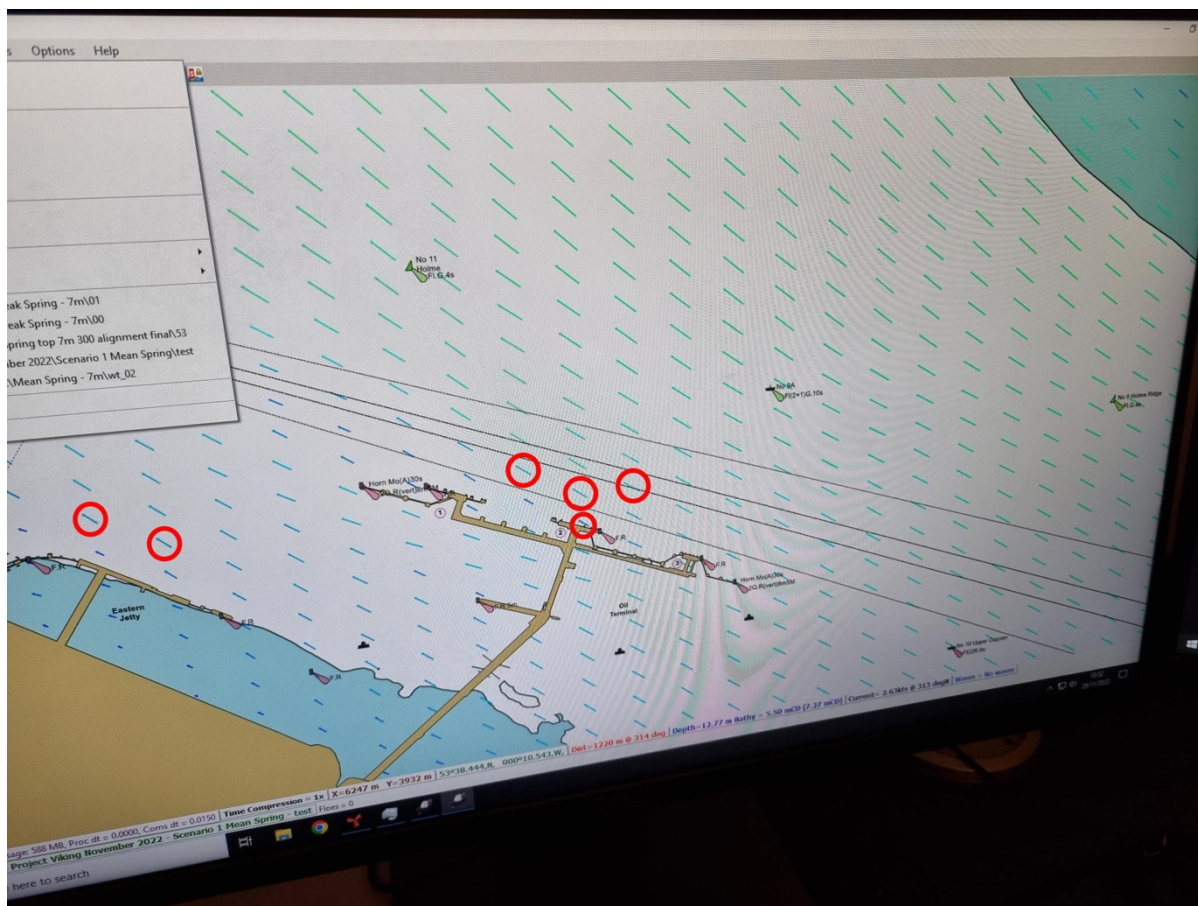
This is again an area in which we have considerable experience and indeed an area which has been subject to multiple warnings and guidance from HES due to the nature of the tidal flow in this area.

It is commonly accepted that the ebb tide sets vessels strongly into the bellmouth. Due to a number of serious incidents in this area Pilots and PECS have been instructed to carry out a ‘two-stage manoeuvre’ in which the vessel is brought to a full stop, stemming the tide prior to continuing into the bellmouth. In order to achieve this manoeuvre, as confirmed by our highly experienced PEC holders, vessels usually need to be on a heading of 315°T pointing the vessels bow in the general direction of the Immingham Bulk Terminal. This would equate to a tidal flow of 135°T. It is also accepted that the tide runs strongly in the Immingham bellmouth up until the continuous panel fendering begins. However upon consulting the same ebb tide simulation as before (Page 45) I would like to draw your attention to the tidal flow arrows below, highlighted in red by us, which appear to be oriented at approximately 110/115°T. Additionally the tide stops almost instantaneously as it enters the Immingham bellmouth. Experience and the significant number of serious incidents in this area demonstrates this is simply not the case.



As you are aware DFDS has also been conducting trials at HR Wallingford in relation to Immingham Outer Harbour (“IOH”). As I explained previously, we are satisfied that in the location of the IOH the HR Wallingford tidal model was representative of the tides we normally experienced. I would like now to draw your attention to a photograph I captured at the simulations in end of November, where we checked the tidal flow on the date of when the pictures were taken from the radar screen on board one of our vessels. This is the same picture I showed you at our meeting in October in Copenhagen. The current in the model for the IOH is different to the current in the model for the IERRT. At the simulations it was explained to me that this could not be the case but looking at the simulations in the report I see the same tidal model and the arrows in a different direction compared to the model for the IERRT, reinforcing our concerns.

The photograph below of the simulator instructor station shows the tidal flows on a spring tide. It is clear in these simulations the tide is no longer running parallel to the IOT or Eastern Jetty but is clearly at an angle as we would expect to find. This is in stark contrast to the tide found in the IERRT trials.



I appreciate that ABP will be of the opinion that as these areas are not in the exact position of the IERRT this does not invalidate the tidal data used in the model in the IERRT location. I agree that neither DFDS, nor any mariner, has experience of the tidal flows in the exact location of the proposed IERRT, however, we do have considerable experience in the areas indicated. If we accept that the tides are incorrect in these areas this has two significant direct consequences:

- if the tidal model is incorrect 400m to the northeast and 400m to the west we lose all confidence in the data at the IERRT location; and
- an incorrect tide in these areas changes the setup and approach for the IERRT manoeuvre and therefore invalidates all of the simulations to date.
-

Given these consequences, and that two rounds of simulations have been run with questionable data, we believe you should re-run the simulations at a different simulation center. We hope you are able to address the concerns set out above. If not, in the interests of the safety of all users of the Immingham port area, we will have no choice but to continue to raise them if the tidal flow data of the simulation report dated 23 December 2022 continues to be used for the IERRT project.

Best regards / Med venlig hilsen

Jesper Hartvig Nielsen

From: Ben Hodgkin [REDACTED]
Sent: 23. januar 2023 17:17
To: Jesper Hartvig Nielsen [REDACTED]
Cc: Paul Bristowe [REDACTED]
Subject: RE: [EXTERNAL] RE: Proposed Immingham Eastern Ro-Ro Terminal

From: Simon Bird [REDACTED]
Sent: 20. marts 2023 17:38
To: Fursey, Paul [REDACTED]; [REDACTED]; Vlugt Marcel van der [REDACTED]; Hellner Carl-Johan [REDACTED]
Cc: Paul Bristowe [REDACTED]; Andrew Firman [REDACTED]; Emily Swain [REDACTED]
Subject: [EXTERNAL] IERRT - Marine Operations Review

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Dear Gentlemen,

As you are aware ABP has submitted an application for a Development Consent Order to develop a new RoRo in Immingham. As part of this process there has been much engagement and consultation with stakeholders, customers and the wider port community which has included representatives from your companies. ABP is committed to listening to views and concerns that have been expressed about the proposed development in particular as they relate to marine operations. In this regard it is my intention to hold a meeting at 12.30 Thursday 27th April in Immingham Dock Office and to invite you along with your colleagues to attend. I will chair the meeting and my colleague, Paul Bristowe, Head of Marine, Humber, will present in detail the proposed development and how it is intended to operate. He will use the data from the many modelling sessions held at HR Wallingford with the intention to hear any comments or concerns and to seek to find solutions and mitigations. Paul will be joined by Andrew Firmin, Humber Harbour Master.

The planning process for this development is well underway. This meeting is very important and I would ask you to personally attend along with which ever colleagues you wish to accompany you, lunch will be provided.

I would be grateful if you would confirm your attendance along with participants.

I look forward to meeting you later next month,

Simon Bird | Director Humber | Associated British Ports

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Grimsby - Port Office | Cleethorpe Road | Grimsby | DN31 3LL
Tel: [REDACTED] | Internal DD: 6201 | Mob: [REDACTED] | www.abports.co.uk

From: Kell Robdrup

Sent: 21. marts 2023 12:08

To: Simon Bird [REDACTED]; Fursey, Paul [REDACTED]; [REDACTED];
[REDACTED]; Vlugt Marcel van der [REDACTED]; Hellner Carl-Johan [REDACTED]

Cc: Paul Bristowe [REDACTED]; Andrew Firman [REDACTED]; Emily Swain [REDACTED]

[REDACTED]; Jesper Hartvig Nielsen [REDACTED] Andrew Byrne [REDACTED]

Subject: RE: [EXTERNAL] IERRT - Marine Operations Review

Dear Simon,

Thank you for your mail and the invitation for the meeting in Immingham on the 27th of April. It is highly appreciated and find that a focused meeting regarding the marine operation in connection with the IERRT project is of great importance for all the stakeholders and users of the port.

From DFDS our Mr. Jesper Hartvig Nielsen and Mr. Andrew Byrne together with two of our captains, Kim Carlsen and Ole Nielsen who both hold detailed knowledge about the nautical situation in Immingham, will all be participating in the meeting.

We look forward to having an open and frank discussion about the safety concerns we have in relation to the IERRT project.

Best regards

Kell

Best regards / Med venlig hilsen

Kell Robdrup
Senior Vice President



DFDS A/S
Marmorvej 18
2100 Copenhagen Ø
Denmark



[REDACTED]
[dfds.com](https://www.dfds.com) [Facebook](#)

From: Simon Bird [redacted]
Sent: 20. marts 2023 17:38
To: Fursey, Paul [redacted]; Kell Robdrup [redacted];
[redacted]; Vlugt Marcel van der [redacted]; Hellner Carl-Johan <[redacted]>
>
Cc: Paul Bristowe [redacted]; Andrew Firman [redacted]; Emily Swain [redacted]
Subject: [EXTERNAL] IERRT - Marine Operations Review

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Dear Gentlemen,

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The planning process for this development is well underway. This meeting is very important and I would ask you to personally attend along with which ever colleagues you wish to accompany you, lunch will be provided.

I would be grateful if you would confirm your attendance along with participants.

I look forward to meeting you later next month,

Simon Bird | Director Humber | Associated British Ports

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From: van der Vlucht Marcel [redacted]
Sent: 27. marts 2023 08:53
To: Simon Bird [redacted]; Andrew Firman [redacted]; Paul Bristowe [redacted];
[redacted]; Matt Dearnley [redacted];
Fursey, Paul [redacted]; [redacted]; Kell Robdrup [redacted];
[redacted]; Hellner Carl-Johan [redacted]
Cc: Krijgsman Arie [redacted]; laas.vanderzee [redacted];
geertjanferinga [redacted]; Penistone Ian [redacted]
Subject: [EXTERNAL] RE: IERRT - Marine Operations Review (Lunch Included)

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Good morning Simon

The following people from Stena Line will attend 22 May:

- Arie Krijgsman Fleet manager
- Laas v/d Zee Captain
- Geert Jan Feringa Captain
- Ian Penistone Project Manager
- Marcel v/d Vlucht Senior Manager Port Development BR North Sea

Kind Regards,

Marcel van der Vlucht
[redacted]

Working days: Monday, Tuesday, Wednesday, Thursday.

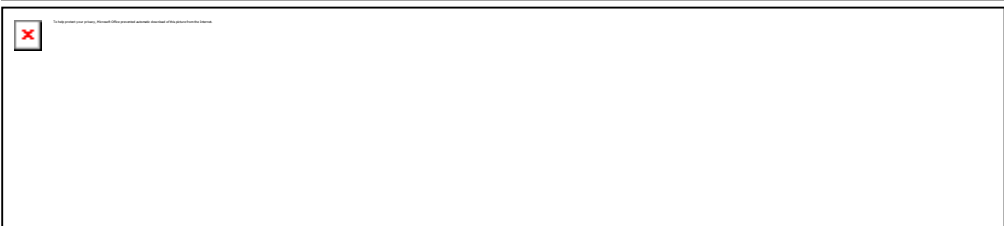
-----Original Appointment-----

From: Simon Bird [redacted]
Sent: donderdag 23 maart 2023 17:26
To: Simon Bird; Andrew Firman; Paul Bristowe; Matt Dearnley [redacted]; Fursey, Paul [redacted]; [redacted]; Kell Robdrup [redacted]; van der Vlucht Marcel; Hellner Carl-Johan
Subject: IERRT - Marine Operations Review (Lunch Included)
When: maandag 22 mei 2023 13:00-16:00 (UTC+00:00) Dublin, Edinburgh, Lisbon, London.
Where: ABP Offices, Immingham Dock Office, DN40 2LZ



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BRIDSON Rebecca

Subject: FW: [EXTERNAL] IERRT - Marine Operations Review (Lunch Included)

From: Simon Bird [REDACTED]
Sent: 16 May 2023 12:13
To: Andrew Firman [REDACTED]; Paul Bristowe [REDACTED]; Matt Dearnley [REDACTED]; Fursey, Paul [REDACTED]; [REDACTED]; Kell Robdrup [REDACTED]; Vlugt Marcel van der [REDACTED]; Hellner Carl-Johan [REDACTED]; [REDACTED]; Andrew Byrne [REDACTED]
Cc: Ben Hodgkin [REDACTED]
Subject: [EXTERNAL] IERRT - Marine Operations Review (Lunch Included)

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Dear Colleagues,

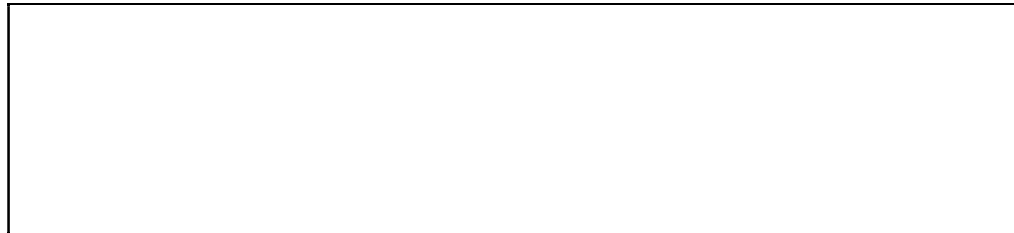
I am writing to advise that ABP is postponing the meeting above which was due to be held on Monday 22 May. A number of those attending now find the date to be difficult and without full attendees, it makes sense to postpone. Given the difficulties with diaries, which I completely understand, I will reach out to individual companies and look to organise separate meetings.

Kind regards,

Simon

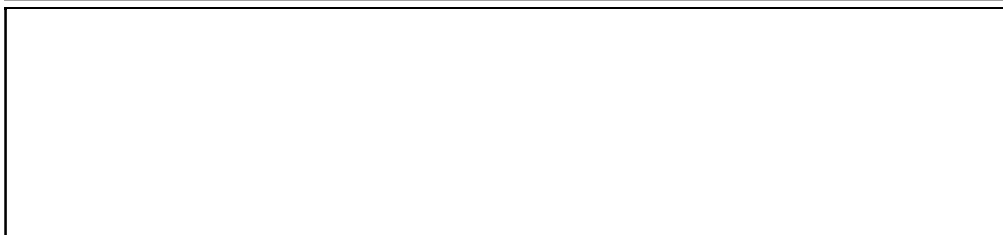
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BRIDSON Rebecca

Subject: FW: [EXTERNAL] IERRT - Marine Operations Review (Lunch Included)

From: Jesper Hartvig Nielsen [REDACTED]

Sent: 17 May 2023 14:36

To: Simon Bird - Director ABP [REDACTED]

Cc: Kell Robdrup <[REDACTED]>; Andrew Byrne <[REDACTED]>; Andrew Firman <[REDACTED]>
Paul Bristowe <[REDACTED]>; Matt Dearnley <[REDACTED]>

[REDACTED]
[REDACTED] Ben Hodgkin [REDACTED]

Subject: RE: [EXTERNAL] IERRT - Marine Operations Review (Lunch Included)

Dear Simon,

Below is duly noted, and I have now cancelled all my travel arrangements.

However a bit disappointed to see a cancellation with short notice for a meeting that have been planned for several weeks, especially taking the ones of us that already had made travel arrangements into account. I would have appreciated the opportunity to discuss this matter with all stakeholders.

Wish you all a continuous great day.

Best regards / Med venlig hilsen

Captain
Jesper Hartvig Nielsen
Head of Fleet management
Fleet management



DFDS A/S
Marmorvej 18
2100 Copenhagen Ø
Denmark

M: [REDACTED]
[REDACTED]

www.dfds.com



BRIDSON Rebecca

From: Jesper Hartvig Nielsen [REDACTED]
Sent: 31 August 2023 10:04
To: Andrew Firman
Subject: RE: [EXTERNAL] RE: Selin S

Dear Fred,

Thank you for your reply, which is unfortunate but understood. I assume you can confirm this also means that the data isn't available on the Safe Pilot server either?

Best regards / Med venlig hilsen

Jesper Hartvig Nielsen

From: Andrew Firman [REDACTED]
Sent: 24. august 2023 12:11
To: Jesper Hartvig Nielsen [REDACTED]
Subject: RE: [EXTERNAL] RE: Selin S

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Good morning Jesper,

Unfortunately I can confirm that the VTS playback for the incident involving "Selin S" is no longer stored.

I hope the details I have shared to date are of use to you and I can confirm that I will be submitting the same detail to the Examining Authority to ensure transparency.

Kind Regards,
Fred

Capt Andrew Firman | Harbour Master | Associated British Ports
Port Office | Cleethorpe Road | Grimsby | North East Lincolnshire | DN31 3LL
Tel: [REDACTED] | Mob: [REDACTED] | www.abports.co.uk



From: Andrew Firman
Sent: Tuesday, August 22, 2023 1:48 PM
To: Jesper Hartvig Nielsen [REDACTED]
Subject: RE: [EXTERNAL] RE: Selin S

Good day Jesper,

Thank you for your further response regarding the incident involving the vessel "Selin S". While my initial response is entirely consistent for a request of this type, I can assure you that I am not seeking to stonewall your request and am not unwilling to help so far as is proper for me to do so. In light of the Ex A's question N.S. 1.6 issued on 7 August

and your further email, I have further considered the request and, importantly, the balance between the need for confidentiality of investigations to appropriately protect individuals and organisations with the need for Humber Estuary Services to act fairly and transparently in this case.

With regard to the VTS playback (track data), I have asked my technical team to see if this still exists as the system generally holds data for only around 30-90 days unless saved for a specific reason. I will have a technical team member available tomorrow to check the position and will confirm to you one way or the other. If the data does exist (which I am afraid is unlikely), I shall arrange for you to be able to view it without delay.

As for the incident itself I am willing to share the following details.

The incident was reported as occurring at 1810 on 28/07/2022. It was confirmed that there was no damage to either the vessel or the buoy, the wind at the time was reported as SSE 4 by VTS and Easterly 20 knots by the Pilot Report. The tide was flooding one hour before HW Immingham at 1907 with good visibility. The small craft "Bull Sand" was available to assist as required and participated during the manoeuvre. On disembarking the Pilot was subjected to a Drug and Alcohol test and subsequently an investigation carried out by the Pilotage Operations Manager. Without sharing further confidential details the cause of the incident was established as Master/Pilot error and subsequent action related directly to individuals rather than any process or procedure.

It was not considered necessary to make any amendments to procedures or notices or, indeed, to the MSMS for the Humber, although the incident data contributes to the quantitative element of subsequent Risk Assessments for this area in the usual manner.

I hope the above demonstrates my willingness to support the examination process and that you find it useful.

Kind Regards,
Fred

Capt Andrew Firman | Harbour Master | Associated British Ports

Port Office | Cleethorpe Road | Grimsby | North East Lincolnshire | DN31 3LL

Tel: [REDACTED] | Mob: [REDACTED] | www.abports.co.uk



From: Jesper Hartvig Nielsen [REDACTED]

Sent: Monday, August 14, 2023 1:23 PM

To: Andrew Firman [REDACTED]

Subject: RE: [EXTERNAL] RE: Selin S

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Dear Captain Firman,

Thank you for your response of 9 August to my request to provide track data and other relevant information relating to an incident on 28 July last year involving the Selin S.

You have indicated that you are either unable or unwilling to share any information relating to this incident due to "the confidential nature of the information". I am surprised at your position on this as I cannot see how the provision of track data and related information allowing DFDS and indeed other interested parties, including the Examining Authority (ExA) for ABP's IERRT Application, to better understand the incident and follow the Selin S's movements off the IOT could in any way undermine any rights of confidentiality which the pilot may have.

I assume that the Selin S would have had a functioning class A AIS transponder which was operational at the time of the incident, so cannot possibly see how the track data could be considered to be confidential as this information would have been openly broadcast at the time of the incident. Given this, please advise why you consider you are unable to provide any information relating to this incident including track data, being specific as to which information you consider is confidential and why?

As noted in my requesting email sent on 2 August following the initial navigation hearing on the IERRT Application, this incident was referred to at that hearing and the ExA has now raised a specific question about the incident. Question ExQ1 - 7 August 2023, NS.1.6 specifically requests of ABP " Marine Incident in vicinity of IOT - Confirm/signpost how a marine incident reported in recent years involving allision of a tanker with a mooring buoy in the vicinity of the Proposed Development has been taken into account in the submitted NRA [APP-089] and the MSMS to date."

Given the nature and location of the Selin S incident, it is clearly relevant to any consideration of the risks associated with the proposed location of the IERRT marine facility and should be taken into account in any NRA. The ExA appear to agree with this and we, therefore, assume that you will be providing further information on the incident to them. I would therefore repeat DFDS request that at the very least you share the track data for the incident with us and ideally also share any other relevant information you have which would help us to complete a proper NRA of the proposed IERRT location.

Please can you also confirm whether or not the Selin S incident has led to any change in practice or advice for mariners and if so provide details?

In the event that you continue to refuse to share any information of this incident we will have no choice but to highlight to the ExA that you have stonewalled our request and consider yourself unable or unwilling to share any information about the Selin S incident, although we have made clear that we do not understand why you are taking this blanket position, especially given that the incident is clearly very relevant to any proper consideration of the potential navigational hazards posed by the IERRT.

I would be grateful if you could respond to the requests in this email in good time for submission of responses by 5 September to the ExA's ExQ1 questions.

Best regards / Med venlig hilsen

Captain
Jesper Hartvig Nielsen
Head of Fleet management



DFDS A/S
Marmorvej 18
2100 Copenhagen Ø
Denmark

M: [REDACTED]
T: [REDACTED]

[REDACTED]
www.dfds.com



From: Andrew Firman [REDACTED]
Sent: 9. august 2023 13:18
To: Jesper Hartvig Nielsen [REDACTED]
Subject: [EXTERNAL] RE: Selin S

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Good morning Jesper,

I am writing in response to your request for further details, including track data, relating to the incident on the 28th July 2022 involving the vessel "Selin S".

As you are aware, we as the SHA and Competent Harbour Authority require the Pilot or PEC to submit an incident report which is confidential in nature to ensure that all facts are established and learning can be taken to improve Marine Safety.

The incident can then be discussed further with involved parties (affected vessels and terminal operators) through direct or normal regular liaison channels and any necessary safety messages promulgated to the correct groups. I am satisfied that this has taken place and the cause established and actions taken in this case.

Due to the confidential nature of the information and associated procedures I must respectfully decline your request for this information.

Kind Regards,
Fred

Capt Andrew Firman | Harbour Master | Associated British Ports
Port Office | Cleethorpe Road | Grimsby | North East Lincolnshire | DN31 3LL
Tel: [REDACTED] | Mob: [REDACTED] | www.abports.co.uk



From: Jesper Hartvig Nielsen [REDACTED]
Sent: Wednesday, August 2, 2023 5:51 AM
To: Andrew Firman [REDACTED]
Subject: Selin S

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Captain Firman,

Referring to the hearing last week where we both attended.

As was mentioned on the hearing on Thursday the 27th of July 2023, DFDS have been made aware that there was an incident last year with the Selin S, which departed from the IOT finger pier.

The incident was on the 28th of July 2022 and my understanding is that she contacted with a buoy in the vicinity of where the IEERT development is proposed to be located.

I am contacting you in your statutory role as Harbour Master. As I have not been able to locate much information on this incident, I would be very grateful if you could send the track data and whatever more relevant information from the accident that you could share.

This information would be very valuable for DFDS in regards to the NRA we are undertaking to produce.

Best regards / Med venlig hilsen

Captain
Jesper Hartvig Nielsen
Head of Fleet management



DFDS A/S
Marmorvej 18
2100 Copenhagen Ø
Denmark

M: [REDACTED]
T: [REDACTED]

[REDACTED]

www.dfds.com



BRIDSON Rebecca

Subject: FW: [EXTERNAL] IERRT - ISH2 Action Point 6 - Request for response [BDB-BDB1.FID10809980]
Attachments: ABP - Letter to DFDS - ISH2 Action Point 6.pdf

From: Joshua Bush [REDACTED]
Sent: 14 August 2023 11:02
To: Andrew Byrne [REDACTED] Jesper Hartvig Nielsen [REDACTED]
Cc: Greenwood, Brian [REDACTED]
Subject: [EXTERNAL] IERRT - ISH2 Action Point 6 - Request for response

CAUTION: This is an external email - check sender address and use caution before you click links or open attachments. Please report suspicious emails.

Dear Andrew and Jesper,

I hope you are well, I am a project manager for the Immingham Eastern Ro-Ro Terminal project.

Please find attached a letter requesting a response in relation to the DCO examination Issue Specific Hearing 2 Action 6 for the Immingham Eastern Ro-Ro Terminal project

Kind Regards

Josh

Josh Bush | Project Development Manager | Associated British Ports
25 Bedford Street | London | WC2E 9ES
Mob: [REDACTED] | www.abports.co.uk



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Mr Andrew Byrne and Captain Jesper Hartvig Nielson

By Email Only

Dear Andrew and Jesper,

Issue Specific Hearing 2 Action Point 6

I write in respect of the IERRT development proposal at the Port of Immingham. As you may be aware, the Examining Authority (Exa) considering the IERRT application has issued a series of action points arising from the Issue Specific Hearing Session 2. One of those action points (number 6) is:

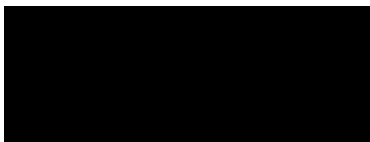
'For the Port of Immingham to provide data on Ro-Ro vessel movements and the distribution of cargo between accompanied and unaccompanied freight volume for a representative month. The selection of the representative month to be determined in consultation with the Harbour Master, Stena, DFDS and IoT Operators.'

The purpose of this letter is, therefore, to ask for your views as to what you consider to be a representative month. Our suggestion is that September – November 2022 all constitute representative months and we would welcome your agreement or other suggestions. In addition to providing a single month, ABP is also considering whether it would be beneficial to provide the Examining Authority with the average figures for the first six months of 2023 (i.e. 1 January to 30 June). Your views on this suggestion would, therefore, also be welcomed.

In terms of timescale, ABP has to submit this information to the ExA by 5 September (Deadline 2). Therefore, please could we ask for your views to be provided by 21st August in order that the relevant information can be pulled together within good time to meet the deadline.

In addition to the above, we will in due course, be grateful if you could provide us with data for your operations for the periods which are ultimately taken forward.

Kind Regards



Josh Bush

ABP Immingham Eastern Ro-Ro Terminal Project Development Manager

cc' Brian Greenwood (Clyde & Co)



BRIDSON Rebecca

From: Joshua Bush [REDACTED]
Sent: 29 August 2023 14:19
To: Jesper Hartvig Nielsen
Subject: [EXTERNAL] RE: IERRT - ISH2 Action Point 6 - Request for response

Follow Up Flag: Follow up
Flag Status: Flagged

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Jesper,

Following on from my earlier email, I have received an out of office from Andrew. If there is someone I should forward this request to at DFDS, please let me know and I will do this.

Kind Regards

Josh

Josh Bush | Project Development Manager | Associated British Ports
25 Bedford Street | London | WC2E 9ES
Mob: [REDACTED] | www.abports.co.uk



From: Joshua Bush
Sent: 29 August 2023 14:17
To: anbyr@dfds.com; Jesper Hartvig Nielsen [REDACTED]
Cc: Greenwood, Brian [REDACTED]; Sophie Young [REDACTED] >
Subject: RE: IERRT - ISH2 Action Point 6 - Request for response

Dear Andrew and Jesper,

I hope you are well. I was hoping you have had time to consider my previous email (letter reattached for convenience).

The Examining Authority have requested that we respond to this action by Deadline 2 (5th September) and we would really like to include any considerations from DFDS.

Kind Regards

Josh

Josh Bush | Project Development Manager | Associated British Ports
25 Bedford Street | London | WC2E 9ES
Mob: [REDACTED] | www.abports.co.uk

From: Joshua Bush

Sent: 14 August 2023 11:02

To: [REDACTED] Jesper Hartvig Nielsen [REDACTED]

Cc: Greenwood, Brian [REDACTED]

Subject: IERRT - ISH2 Action Point 6 - Request for response

Dear Andrew and Jesper,

I hope you are well, I am a project manager for the Immingham Eastern Ro-Ro Terminal project.

Please find attached a letter requesting a response in relation to the DCO examination Issue Specific Hearing 2 Action 6 for the Immingham Eastern Ro-Ro Terminal project

Kind Regards

Josh

Josh Bush | Project Development Manager | Associated British Ports

25 Bedford Street | London | WC2E 9ES

Mob: [REDACTED] | www.abports.co.uk

BRIDSON Rebecca

From: WALKER Angus
Sent: 30 August 2023 17:10
To: [REDACTED]
Cc: Greenwood, Brian; HOBBS Jessica
Subject: ISH2 Action Point 6 response [BDB-BDB1.FID10809980]
Attachments: Letter to ABP re ISH2 AP6.pdf; DFDS Acc v Unacc ratio.xlsx

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Josh

Please find DFDS' response attached. Apologies for the delay due to the taking of annual leave.

Regards

Angus Walker



Angus Walker Partner

T [REDACTED]
[REDACTED]

W www.bdbpitmans.com

For and on behalf of BDB Pitmans LLP
One Bartholomew Close, London EC1A 7BL

Josh Bush
IERRT Project Development Manager
ABP
Dock Office
Immingham
DN40 2LZ

Our Ref
ADW/ADW/204604.0001
Date
30 August 2023

By Email

Dear Josh

Issue Specific Hearing 2 Action Point 6

I write in response to your letter to Andrew Byrne and Jesper Hartvig Nielsen received on 14 August 2023 in respect of the Immingham Eastern Ro-Ro Terminal DCO application at the Port of Immingham.

In response to your request in that letter regarding Action Point 6 issued by the Examining Authority following Issue Specific Hearing 2, our clients consider September, October and November 2022 all to be representative months for DFDS Ro-Ro vessel movements and the distribution of cargo between accompanied and unaccompanied freight volume.

We, therefore, provide, enclosed with this letter, DFDS data for each of those three months as well as a total which shows the average over the period September - November 2022. We do not consider that providing data for the first six months of this year would be necessary.

We trust this is a satisfactory response to your request, but please let us know if you require anything further in order to compile a response to Action Point 6.

Yours sincerely


Angus Walker
Partner
For and on behalf of BDB Pitmans LLP



Registered Office

One Bartholomew Close
London
EC1A 7BL
DX 339401 London Wall

50/60 Station Road
Cambridge
CB1 2JH
DX 339601 Cambridge 24

The Anchorage
34 Bridge Street
Reading, RG1 2LU
DX 146420 Reading 21

Grosvenor House
Grosvenor Square
Southampton, SO15 2BE
DX 38516 Southampton 3

T +44 (0)345 222 9222

W www.bdbpitmans.com



cc Brian Greenwood, Clyde & Co

	Import	Of which Cars/Mobiles	Of which Acc		Export	Of which Cars/Mobiles	Of which Acc		Total Units	Total excl Cars/Mobi les	Total Acc	Total % Accompanied	Total % Accompanied excl Cars/Mobiles
Sep-22	31173	9812	347		25970	5530	365		57143	41801	712	1.25%	1.70%
Oct-22	31064	10119	296		25869	6276	338		56933	40538	634	1.11%	1.56%
Nov-22	31055	9044	352		25175	4619	345		56230	42567	697	1.24%	1.64%
Totals	93292	28975	995		77014	16425	1048		170306	124906	2043	1.20%	1.64%

BRIDSON Rebecca

From: Joshua Bush [REDACTED]
Sent: 30 August 2023 19:58
To: WALKER Angus
Cc: Greenwood, Brian; HOBBS Jessica
Subject: RE: ISH2 Action Point 6 response [BDB-BDB1.FID10809980]

Follow Up Flag: Follow up
Flag Status: Flagged

Angus,

Many thanks.

Josh

Josh Bush | Project Development Manager | Associated British Ports

25 Bedford Street | London | WC2E 9ES

Mob: [REDACTED] | www.abports.co.uk



From: WALKER Angus [REDACTED]
Sent: 30 August 2023 17:10
To: Joshua Bush [REDACTED]
Cc: Greenwood, Brian [REDACTED] >; HOBBS Jessica [REDACTED]
Subject: ISH2 Action Point 6 response [BDB-BDB1.FID10809980]

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Dear Josh

Please find DFDS' response attached. Apologies for the delay due to the taking of annual leave.

Regards

Angus Walker



Angus Walker Partner

[REDACTED]
[REDACTED]
W www.bdbpitmans.com

For and on behalf of BDB Pitmans LLP
One Bartholomew Close, London EC1A 7BL

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BRIDSON Rebecca

From: WALKER Angus [REDACTED]
Sent: 01 September 2023 17:30
To: Joshua Bush
Cc: Greenwood, Brian; HOBBS Jessica
Subject: RE: ISH2 Action Point 6 response [BDB-BDB1.FID10809980]

Hi Josh

Thank you, I will seek instructions and get back to you asap.

Regards

Angus



Angus Walker Partner

T [REDACTED]
[REDACTED]

W www.bdbpitmans.com

For and on behalf of BDB Pitmans LLP
One Bartholomew Close, London EC1A 7BL

From: Joshua Bush [REDACTED]
Sent: 01 September 2023 17:26
To: WALKER Angus [REDACTED]
Cc: Greenwood, Brian [REDACTED]; HOBBS Jessica [REDACTED]
Subject: RE: ISH2 Action Point 6 response [BDB-BDB1.FID10809980]

Dear Angus,

Thank you for the response on the 30th August. We have a few further queries in relation to the data provided by DFDS to ensure that we are consistent in the presentation of this data which I hope you can assist us with:

1. Please could you confirm whether the DFDS data relates to "TEU" or to "units"?
2. We are proposing to only present Ro-Ro data excluding car/ mobiles so it is representative of the wider Port of Immingham data set.
3. We do believe that a 6 month average would provide useful context to the Examining Authority and propose to submit this information in addition to the representative months. I acknowledge the position set out in your response to the 6 month average data, however would DFDS consider providing this?

Kind Regards

Josh

Josh Bush | Project Development Manager | Associated British Ports
25 Bedford Street | London | WC2E 9ES
Mob: [REDACTED] | www.abports.co.uk

From: WALKER Angus [REDACTED]
Sent: 30 August 2023 17:10
To: Joshua Bush [REDACTED]
Cc: Greenwood, Brian [REDACTED]; HOBBS Jessica [REDACTED]
Subject: ISH2 Action Point 6 response [BDB-BDB1.FID10809980]

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Dear Josh

Please find DFDS' response attached. Apologies for the delay due to the taking of annual leave.

Regards

Angus Walker



Angus Walker Partner

T [REDACTED]
[REDACTED]

W www.bdbpitmans.com

For and on behalf of BDB Pitmans LLP
One Bartholomew Close, London EC1A 7BL

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the addressee. This policy complies with the Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000.

BRIDSON Rebecca

Subject: FW: ISH2 Action Point 6 response [BDB-BDB1.FID10809980]

From: WALKER Angus [REDACTED]
Sent: 04 September 2023 17:14
To: Joshua Bush [REDACTED]
Cc: HOBBS Jessica [REDACTED]; Greenwood, Brian [REDACTED]
Subject: RE: ISH2 Action Point 6 response [BDB-BDB1.FID10809980]

Hi Josh

See answers below and attached.

Regards

Angus



Angus Walker Partner

www.bdbpitmans.com

For and on behalf of BDB Pitmans LLP
One Bartholomew Close, London EC1A 7BL

From: Joshua Bush [REDACTED]
Sent: 01 September 2023 17:26
To: WALKER Angus [REDACTED]
Cc: Greenwood, Brian [REDACTED]; HOBBS Jessica [REDACTED]
Subject: RE: ISH2 Action Point 6 response [BDB-BDB1.FID10809980]

Dear Angus,

Thank you for the response on the 30th August. We have a few further queries in relation to the data provided by DFDS to ensure that we are consistent in the presentation of this data which I hope you can assist us with:

1. Please could you confirm whether the DFDS data relates to "TEU" or to "units"? **It is units**
2. We are proposing to only present Ro-Ro data excluding car/ mobiles so it is representative of the wider Port of Immingham data set. **Understood, we're fine with this.**
3. We do believe that a 6 month average would provide useful context to the Examining Authority and propose to submit this information in addition to the representative months. I acknowledge the position set out in your response to the 6 month average data, however would DFDS consider providing this? **Yes, that is fine, see attached.**

Kind Regards

Josh

Josh Bush | Project Development Manager | Associated British Ports
25 Bedford Street | London | WC2E 9ES

Mob: [REDACTED] | www.abports.co.uk



From: WALKER Angus [REDACTED]
Sent: 30 August 2023 17:10
To: Joshua Bush [REDACTED]
Cc: Greenwood, Brian [REDACTED]; HOBBS Jessica [REDACTED]
Subject: ISH2 Action Point 6 response [BDB-BDB1.FID10809980]

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Dear Josh

Please find DFDS' response attached. Apologies for the delay due to the taking of annual leave.

Regards

Angus Walker



Angus Walker Partner

[REDACTED]
[REDACTED]
www.bdbpitmans.com

For and on behalf of BDB Pitmans LLP
One Bartholomew Close, London EC1A 7BL

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	Import	Of which Cars/Mobiles	Of which Acc		Export	Of which Cars/Mobiles	Of which Acc		Total Units	Total excl Cars/Mobiles	Total Acc	Total % Accompanied	Total % Accompanied excl Cars/Mobiles
Jun-22	31174	9966	354		25623	6090	427		56797	40741	781	1.38%	1.92%
Jul-22	30306	8452	391		24217	5226	376		54523	40845	767	1.41%	1.88%
Aug-22	26770	6993	347		23118	4272	365		49888	38623	712	1.43%	1.84%
Sep-22	31173	9812	347		25970	5530	365		57143	41801	712	1.25%	1.70%
Oct-22	31064	10119	296		25869	6276	338		56933	40538	634	1.11%	1.56%
Nov-22	31055	9044	352		25175	4619	345		56230	42567	697	1.24%	1.64%
Totals	181542	54386	2087		149972	32013	2216		331514	245115	4303	1.30%	1.76%

BRIDSON Rebecca

From: Joshua Bush [REDACTED]
Sent: 05 September 2023 07:34
To: WALKER Angus
Cc: HOBBS Jessica; Greenwood, Brian
Subject: RE: ISH2 Action Point 6 response [BDB-BDB1.FID10809980]

Angus,

Many thanks for the swift response to my queries. We will review now.

Josh

Josh Bush | Project Development Manager | Associated British Ports
25 Bedford Street | London | WC2E 9ES
Mob: [REDACTED] | www.abports.co.uk



From: WALKER Angus [REDACTED]
Sent: 04 September 2023 17:14
To: Joshua Bush [REDACTED]
Cc: HOBBS Jessica [REDACTED]; Greenwood, Brian [REDACTED]
Subject: RE: ISH2 Action Point 6 response [BDB-BDB1.FID10809980]

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Hi Josh

See answers below and attached.

Regards

Angus



Angus Walker Partner

T [REDACTED]
[REDACTED]
W www.bdbpitmans.com

For and on behalf of BDB Pitmans LLP
One Bartholomew Close, London EC1A 7BL

From: Joshua Bush [REDACTED]
Sent: 01 September 2023 17:26
To: WALKER Angus [REDACTED]

BRIDSON Rebecca

Subject: FW: IERRT proposed protective provisions for DFDS [BDB-BDB1.FID10809980]
Attachments: DFDS protective provisions.DOCX

From: WALKER Angus [REDACTED]
Sent: 05 September 2023 16:36
To: Greenwood, Brian [REDACTED]
Cc: HOBBS Jessica [REDACTED]; Cockerill, Matthew [REDACTED]
Subject: IERRT proposed protective provisions for DFDS [BDB-BDB1.FID10809980]

Hi Brian

Please find attached some proposed protective provisions for DFDS as an action point from ISH1.

Kind regards

Angus



Angus Walker Partner

T [REDACTED]
[REDACTED]

W www.bdbpitmans.com

For and on behalf of BDB Pitmans LLP
One Bartholomew Close, London EC1A 7BL

IMMINGHAM EASTERN RO-RO TERMINAL DCO APPLICATION

PINS REFERENCE TR030007

PROTECTIVE PROVISIONS FOR DFDS

Introduction

1. This document contains a proposed set of protective provisions for DFDS Seaways plc to be included in Schedule 4 of the draft DCO.

Explanatory note

2. These protective provisions seek to achieve the following:
- a. That DFDS be consulted at least 28 days before the works commence and that any response is taken into account;
 - b. That any losses by DFDS as a result of the works and any claims made against it by third parties as a result of the works are compensated by the Applicant; and
 - c. That DFDS is provided with the approval of the Statutory Conservancy and Harbour Authority of the safety of the operating procedures for the works before they become operational.

SCHEDULE 4

PROTECTIVE PROVISIONS

PART X

FOR THE PROTECTION OF DFDS SEAWAYS PLC

Application

1. For the protection of DFDS the following provisions, unless otherwise agreed in writing at any time between the Company and DFDS, have effect.

Interpretation

2. In this Part of this Schedule—

“authorised work” means any work specified in schedule 1;

“DFDS” means DFDS Seaways plc, company number 01554521 registered at Nordic House, Western Access Road, Immingham Dock, Immingham, DN40 2LZ.

Consultation and notification

3. At least 28 days before the Company commences the construction of any authorised work, or any phase of any authorised work, that may interfere with DFDS' use of the Port of Immingham or the surrounding road network, it must consult DFDS in writing stating what is proposed and have regard to any response received from DFDS.

Indemnity

4. (1) The Company is responsible for and must make good to DFDS all reasonable financial costs or losses not otherwise provided for in this Part of this Schedule which may reasonably be incurred or suffered by DFDS by reason of—

(a) the construction or operation of the authorised works or the failure of the authorised works; or;

(b) any act or omission of the Company, its employees, contractors or agents or others whilst engaged upon the construction or operation of the authorised works or dealing with any failure of the authorised works,

and the Company must indemnify DFDS from and against all claims and demands arising out of or in connection with the authorised works or any such failure, act or omission.

(2) DFDS must give the Company reasonable notice of any such claim or demand as is referred to in sub-paragraph (1), and no settlement or compromise of any such claim or demand is to be made without the prior consent of the Company.

5. Before commencing marine commercial operations the Company must provide DFDS with a copy of the Statutory Conservancy and Navigation Authority's approval of the written statement of proposed safe operating procedures for access to and egress from the authorised development, including any approved alteration made from time to time.

6. Any dispute arising between the Company and DFDS under this Part of this Schedule is to be determined by arbitration as provided in article 35 (arbitration).